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California collection

Wm. J. E. McElrath 1872
THE
Legislature

1858. page 39. Act to allow Exp. & adm. of
John C. King dec'd. to sell Real Estate.
Wm. Thudge & Jules Foa to sell

RNIA,

The Eighth Session of the Legislature.

1857.

BEGUN ON MONDAY, THE FIFTH DAY OF JANUARY, AND ENDED ON
THURSDAY, THE THIRTIETH DAY OF APRIL.

SACRAMENTO:

JAMES ALLEN, STATE PRINTER.

• 1857.

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STATUTES

OF

THE STATE OF CALIFORNIA,

PASSED

AT THE EIGHTH SESSION OF THE LEGISLATURE,

BEGUN ON THE FIFTH DAY OF JANUARY, 1857.

CHAPTER I.

AN ACT

To fix the Terms of the District Court in San Mateo County

[Approved January 17, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The terms of the District Court of the Twelfth Judicial District, shall commence and be held in and for the County of San Mateo on the third Monday of April, the first Monday of August, and the third Monday in November, in each year, and may continue until the business shall be disposed of. Terms.
When held.

SEC. 2. In case of the absence of the Judge on the day appointed for the commencement of any term of said Court, the Clerk shall adjourn the Court from day to day, for a period not more than six days, until the arrival of the Judge, or until he shall receive notice from him to adjourn the Court for the term. Judge absent,
Clerk adjourn.

CHAPTER II.

AN ACT

To fix the Salary of the County Judge of the County of Contra Costa, and to repeal in part "An Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions," passed May 17, 1853.

[Approved January 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Compensation. SECTION 1. The County Judge of Contra Costa County shall receive for his compensation, annually, the sum of one thousand dollars.

Repeal. SEC. 2. The first section of "An Act entitled an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," passed May 17, 1853, so far as the provisions of said section applies to Contra Costa County, is hereby repealed.
 Proviso. *Provided*, That nothing in this Act shall be so construed as to affect the salary of the present County Judge of said County.

CHAPTER III.

AN ACT

To change the Name of Leopold Zorkowski to Leopold Ross.

[Approved January 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Name changed. SECTION 1. It shall be lawful for the person heretofore known as Leopold Zorkowski to change his name to Leopold Ross.

CHAPTER IV.

AN ACT

To appropriate Money for Postage and Express purposes during the present Session of the Legislature.

[Approved January 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of three thousand four hundred and eighty dollars is hereby appropriated, from any moneys in the hands of the State Treasurer, to be used for postage and express purposes, for Lieutenant Governor, members of the Legislature, Secretary of the Senate, and Clerk of the Assembly.

Amount appropriated.

For whom.

SEC. 2. Each member of the Senate and Assembly, and the Lieutenant Governor, Secretary of the Senate, and Clerk of the Assembly, shall be entitled to such sum as he shall require for postage and express purposes during the present session, not exceeding thirty dollars, to be paid from the appropriation made by this Act.

Amt. for each.

SEC. 3. The Controller is hereby authorized and required to draw his warrant in favor of the Sergeant-at-Arms of the Senate and Assembly, in such sums as they may require, not exceeding the amount which may be, by provisions of this Act, disbursed in either House.

Controller's warrant to Sergeant-at-Arms.

SEC. 4. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall open a postage account with the Lieutenant Governor, each member of the Senate and Assembly, respectively, and shall furnish such postage and express stamps to each member, and to the Lieutenant Governor, Secretary of the Senate, and Clerk of the Assembly, as he may require, not exceeding in value thirty dollars; and any residue which may result from said appropriation at the close of the session, shall be paid into the State Treasury to the credit of the General Fund.

Accounts shall be kept by Sergeant-at-Arms with each member, etc

Residue paid into Treasury at close of session.

SEC. 5. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall make to their respective Houses, at the expiration of each month, after the passage of this Act, an exhibit of the postage account of each person entitled to the benefit of this Act.

Monthly exhibit to be made.

CHAPTER V.

AN ACT

To legalize and confirm the Election of certain Officers.

[Approved January 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Trinity county.
Election of officers legalized and confirmed.

SECTION 1. The election of county officers in the County of Trinity, at the general election on the fourth day of November, in the year one thousand eight hundred and fifty-six, is hereby legalized and confirmed, and the said election, and all subsequent proceedings in relation thereto, shall have full force and effect.

Commencement of term of office.

SEC. 2. The county officers of Trinity County, elected at the election named in the preceding section, shall enter upon the discharge of their duties on the fifteenth day of June, in the year one thousand eight hundred and fifty-seven, and shall hold and discharge the duties of their respective offices till the first day of October, one thousand eight hundred and fifty-nine, and until their successors shall be elected and qualified. *Provided*, That this section shall not apply to County Supervisors.

End of term.

Proviso.

CHAPTER VI.

AN ACT

Concerning County Officers in the County of Placer.

[Approved January 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County Officers.

When elected.

Time of entering upon duties.

SECTION 1. All county officers who shall hereafter be elected in and for the County of Placer, except those who shall be elected at the general election in the year one thousand eight hundred and fifty-eight, shall enter upon the discharge of the duties of their respective offices, on the first Monday of December next succeeding their election.

SEC. 2. There shall be elected in and for the County of Placer, at the general election in the year one thousand eight hundred and

fifty-eight, one County Clerk, one Sheriff, one County Treasurer, one County Assessor, one Public Administrator, one District Attorney, one County Surveyor, and one Coroner; who shall enter upon the duties of their respective offices at the expiration of the terms of their predecessors, and shall continue to hold their offices until the first Monday in December, one thousand eight hundred and sixty.

Officers to be elected.

Term of office.

SEC. 3. The successors of the officers whose term of office is prescribed in the second section of this Act, shall be elected at the general election in the year one thousand eight hundred and sixty, and at the general election every two years thereafter.

Election of successors.

CHAPTER VII.

AN ACT

To authorize the Administrator and Administratrix of Archibald A. Ritchie, deceased, to sell the Real Estate of their Intestate, at Private Sale.

[Approved January 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Robert H. Waterman, Administrator, and Martha H. Ritchie, Administratrix, of the late Archibald A. Ritchie, deceased, a resident of San Francisco, be, and they are hereby authorized, to sell such portion of the real estate of which the said Archibald A. Ritchie died seized or possessed, and any right, title or interest in any real property in the State of California, belonging to the said deceased in his life-time, as may be sufficient to pay the allowance to the family, the debts outstanding against the estate of the said deceased, and the expenses of administration, on such terms, and in such manner, whether at private or public sale, as may be most advantageous to the estate of said deceased. *Provided*, That when any sale is made, under this section, one-third of the purchase money shall be paid before the confirmation thereof; the balance within nine months from the time of said sale; and the purchaser or purchasers shall secure the purchase money remaining unpaid, by note and mortgage on the premises sold, which shall draw interest at the rate of one per cent. per month.

Adm'r and Adm'x authorized to sell real estate at private sale.

Proceeds, how appropriated.

Proviso.

Amount paid before confirmation of sale.

Balance secured by note and mortgage.

SEC 2. That the said Administrator and Administratrix are hereby authorized, on the sale of said estate, or any part thereof, to make to the purchaser or purchasers, as the case may be, a legal conveyance of the same, which shall be as valid and binding as if the same had been made by the said Archibald A. Ritchie in his life-time.

Authority to convey.

Adm'r and
Adm'x shall
enter into bonds.
Approved by
Judge.

SEC. 3. The said Administrator and Administratrix, before the sale or sales of the real estate as aforesaid, shall enter into bonds, with such security as may be satisfactory to the Judge of Probate for the County of San Francisco, for the lawful and faithful application of the funds arising from the sale or sales of said real estate.

Report to
Probate Court.

SEC. 4. The Administrator and Administratrix shall make a full report of the sale or sales of said real estate to the Probate Court of the County of San Francisco. The Judge of said Court shall examine the same, and confirm or set aside the said sale or sales, as in other cases of sales of real estate by executors or administrators.

Probate Judge
power to confirm
or set aside sale.

SEC. 5. When any sale made under the provisions of this Act is reported to the Probate Court, as is required by section four thereof, the Probate Judge shall examine the same, and if he shall be of opinion that the price is disproportionate to the value of the property sold, and that a sum can be obtained for said property exceeding the price agreed to be paid by at least ten per cent., the said Probate Court shall refuse to confirm said sale, and order a new sale of said property.

New sale.

CHAPTER VIII.

AN ACT

To fix the Time for holding the Terms of the District Court of the Ninth Judicial District of this State.

[Approved January 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Terms of Court

SECTION 1. The terms of the District Court of the Ninth Judicial District, shall commence and be holden in the several counties comprising the said district, as follows:

When held in
Tehama Co.

First—In the County of Tehama, on the first Monday of February, May and October.

Colusa Co.

Second—In the County of Colusa, on the second Monday of February, May and October.

Butte Co.

Third—In the County of Butte, on the third Wednesday of February, May and October.

Shasta Co.

Fourth—In the County of Shasta, on the second Monday of March, June and November.

Repeal.

SEC. 2. An Act entitled "An Act to amend an Act entitled an Act to amend an Act entitled an Act to fix the Time for holding the Terms of the District Courts throughout this State," approved February fourteenth, eighteen hundred and fifty-six, and all laws and parts of laws conflicting with this Act, are hereby repealed.

CHAPTER IX.

AN ACT

To fix the Time for holding the Court of Sessions, County Court, and Probate Court, in the County of Tehama.

[Approved January 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Court of Sessions, County Court, and Probate Court, to be held by the County Judge of Tehama county, shall hereafter commence and continue to be held, to take precedence as above named, on the first Monday of February, April, June, August, October, and December of each year. Court of Sessions, County & Probate Court. When held.

SEC. 2. The records of each of said Courts shall be kept separately, as required by law. Separate records

SEC. 3. The County Judge of Tehama county may call and hold special terms of the Probate Court and Court of Sessions, whenever the public interest may require it; and that he shall cause to be posted in three public places within the county, written notices for ten days previous. Special Terms. Ten days' notice

CHAPTER X.

AN ACT

To repeal an Act entitled "An Act to Incorporate the Town of El Dorado," approved April 16, 1855.

[Approved January 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Act entitled "An Act to incorporate the Town of El Dorado," is hereby repealed. Repeal.

SEC. 2. This Act shall take effect from and after the first day of April, 1857. To take effect.

CHAPTER XI.

AN ACT

Supplementary to an Act entitled "An Act to separate the Office of Collector of Taxes from the Office of Sheriff, in the County of Yuba," approved April 27, 1855.

[Approved January 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Collector of Taxes.

Expiration of term.

Term of office.

Change of time from October to March.

Repeal.

SECTION 1. The Collector of Taxes for the County of Yuba shall hold his office and exercise the duties thereof until the first day of March, one thousand eight hundred and fifty-eight, on and after which day his successor shall enter upon the duties thereof, and shall hold such office for the term of two years from that date.

SEC. 2. The term of said office shall, after the first day of March, A. D. one thousand eight hundred and fifty-eight, be for two years from the first day of March, instead of from the first Monday of October.

SEC. 3. All Acts, or parts of Acts, inconsistent with the provisions of this Act, so far as the same relates to the County of Yuba, are hereby repealed.

CHAPTER XII.

AN ACT

To make Appropriations for the Payment of the Salaries of the Officers and Attaches of the Senate and Assembly, up to the first of February, A. D. 1857.

[Approved February 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Appropriation for officers of Senate.

Of Assembly.

SECTION 1. For the payment up to the first of February, one thousand eight hundred and fifty-seven, of the salaries of Officers and Attaches of the Senate, the sum of three thousand six hundred and fifty-three dollars, and of the Assembly, the sum of two thousand six hundred and sixty-four dollars are hereby appropriated out of any money in the State Treasury belonging to the General Fund not otherwise appropriated.

SEC. 2. For the purposes in the foregoing section mentioned, the Controller of State is hereby authorized to draw his warrants on the State Treasurer for an amount not exceeding the sum hereby appropriated. *Provided*, that for the salaries of the Officers and salaries of the Senate and Assembly respectively, he shall draw his warrants against the respective appropriation made for its use, and not otherwise.

Authority to
draw warrants.

Proviso.

CHAPTER XIII.

AN ACT

For the relief of Jotham S. Marston, late Treasurer of Alameda County.

[Approved February 3, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Treasurer of the State is hereby authorized and directed, in his settlement with the said Jotham S. Marston, as the late Treasurer of Alameda county, to give him, as such Treasurer of said county, a credit for the sum of one thousand three hundred and ninety-five dollars and forty-two cents; and that the said Jotham S. Marston, as such County Treasurer, be and is hereby released and acquitted from paying said sum of one thousand and three hundred and ninety-five dollars and forty-two cents, as aforesaid.

Treasurer
authorized to
settle for State.

Release.

SEC. 2. That the Board of Supervisors of the County of Alameda are hereby authorized and permitted, in their settlement with the said Jotham S. Marston, as the Treasurer of said county, to give him credit and acquittance for the sum of seven thousand one hundred and fifty-six dollars and forty-four cents, and that all orders of said Board of Supervisors of said county, acquitting said Treasurer of the payment of the aforesaid sum, be, and the same are hereby, legalized, and made valid and binding.

Board of Super-
visors to settle
for County.

Settlement
legalized.

CHAPTER XIV.

AN ACT

To provide for the Arrest and Suppression of Bands of armed Banditti in the Counties of Los Angeles and San Bernardino.

[Approved February 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

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|--|---|
| Appropriation. | SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, as follows: The sum of three thousand dollars to the County of Los Angeles, and two thousand to the County of San Bernardino. |
| Warrant drawn in favor of Board of Supervisors. | SEC. 2. The Controller of State is hereby authorized and commanded to draw his warrants on the State Treasury in favor of the Board of Supervisors of the County of Los Angeles, for the sum of three thousand dollars; also, to draw his warrants on the State Treasury for the sum of two thousand dollars, in favor of the Board of Supervisors of the County of San Bernardino. |
| How expended. | SEC. 3. The said Board of Supervisors of said counties shall not use or expend the money herein appropriated for any other purpose than that set forth in the title of this Act; and the said |
| Supervisors report to Governor. | Supervisors shall, at the expiration of six months from the passage of this Act, report to the Governor the disposition they have made of the funds herein appropriated, fully specifying the items; and so |
| Residue to be paid into State Treasury. Provision. | much of said appropriation as shall at said time remain unexpended, shall be paid into the State Treasury. <i>And provided</i> , that no indebtedness other than as hereinbefore appropriated, shall be in any manner created or incurred against the State. |

CHAPTER XV.

AN ACT

To amend an Act entitled "An Act to Incorporate the City of Nevada," approved April 19, 1856.

[Approved February 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

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|----------|--|
| Amended. | SECTION 1. Section two, of "An Act to incorporate the City |
|----------|--|

of Nevada," approved April nineteenth, one thousand eight hundred and fifty-six, is hereby amended so as to read as follows:

Section second. The area of the City of Nevada shall be one square mile, and the boundaries shall be as follows: commencing at a point one-half of a mile due east from that corner formed by the intersection of Broad and Pine streets, of a lot known as "the United States Hotel Lot;" and running from said point due north one-half of a mile; thence due west one mile; thence due south one mile; thence due east one mile; thence due north one-half of a mile, to the place of beginning. Boundaries.

CHAPTER XVI.

AN ACT

Concerning the Board of Supervisors of Placer County.

[Approved February 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Placer County, shall, after the expiration of the terms of the present incumbents, consist of three members, who shall hold their offices for three years, except as herein provided. Three Supervisors.
Term of office.

SEC. 2. The present Board of Supervisors of Placer County shall, at their regular session in May, 1857, divide the county into three Supervisor Districts, and number said districts consecutively from one to three, and give notice in their annual election proclamation of the boundaries and number of said districts. Co. districted.
Notice.

SEC. 3. At the next general election there shall be elected in each of the districts provided for in the preceding section, by the qualified electors thereof, one Supervisor;—the Supervisor in the first district to go out of office at the expiration of one year; the Supervisor of the second district to go out of office at the expiration of two years; and the Supervisor of the third district to go out of office at the expiration of three years;—so that after the next general election, there shall be annually elected one Supervisor. One for each district.
First District, 1 year; Second, 2 do.; Third, 3 do.

SEC. 4. Whenever it becomes necessary to elect a Supervisor to fill any vacancy occasioned by death, resignation, or any other cause, the person elected shall hold his office for the unexpired period for which his predecessor was elected. Election to fill unexpired term.

SEC. 5. So much of the Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five, as conflicts with the provisions of this Act, in its application to the County of Placer, is hereby repealed. Repeal.

CHAPTER XVII.

AN ACT

To fix the Compensation of the County Judge and Supervisors of the County of Tehama.

[Approved February 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Judge's
salary.

SECTION 1. The County Judge of the County of Tehama, shall receive for his services the sum of sixteen hundred dollars per annum.

Supervisors'
salary.

SEC. 2. The compensation of each of the Board of Supervisors of Tehama County, shall be one hundred and fifty dollars per annum.

CHAPTER XVIII.

AN ACT

Relating to the Thirteenth Judicial District, and to define the Time of Holding the Courts in said District.

[Approved February 6, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Thirteenth
District.

SECTION 1. The County of Stanislaus, for judicial purposes, shall be attached to the Thirteenth Judicial District.

Terms.

SEC. 2. The Terms of the District Court of the Thirteenth Judicial District shall be held as follows: In the County of Merced, on the first Monday of February, June, and October, of each year; in the County of Stanislaus, on the second Monday of February, June, and October, of each year; in the County of Mariposa, on the third Monday of February, June, and October, of each year; in the County of Tulare, on the first Monday of March, July, and November, of each year; in the County of Fresno, on the second Monday of March, July, and November, of each year.

When held.
Merced Co.

Stanislaus.
Mariposa.

Tulare.

Fresno.

Repeal.

SEC. 3. All Acts, or parts of Acts, so far as they are inconsistent with the provisions of this Act, are hereby repealed.

CHAPTER XIX.

AN ACT

To fix the Compensation of the District Attorney of the County of Contra Costa, and to repeal in part an Act to fix the Compensation of District Attorneys for the several Counties of this State, passed May 4, 1855.

[Approved February 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The District Attorney of the County of Contra Costa shall receive for his compensation, annually, the sum of six hundred dollars. Dist. Attorney.
Salary.

SEC. 2. The first section of an Act entitled an Act to fix the Compensation of District Attorneys for the several Counties of this State, passed May 4, 1855, so far as the provision of said section applies to Contra Costa county, is hereby repealed. Repeal.

This Act shall take effect, and be in force, from the first day in October, eighteen hundred and fifty-seven. Take effect

CHAPTER XX.

AN ACT

Supplementary to an Act entitled "An Act to reincorporate the City of Sonora," approved March 9, 1855.

[Approved February 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the City of Sonora are hereby authorized to levy and collect, annually, a tax upon each and every able-bodied male inhabitant, resident of said city, between the ages of twenty-one and fifty years, an additional tax of not exceeding three dollars, which said amount so levied and collected, shall be kept separately from the other funds of the city. Trustees to levy
tax.
Amount.
Kept separately.

SEC. 2. The amount authorized to be assessed and collected by the first section of this Act, shall be paid in the legal currency of the United States, and be denominated the Street Fund, and Legal currency
Called Street
Fund.

How expended. shall be expended from time to time under the orders and direction of the Board of Trustees of said city, for the repair and improvement of the streets, sewers and drains of said city.

Time for collection. SEC. 3. The said Board of Trustees of the City of Sonora, may use their own discretion as to the time designated for the collection of said Street Fund, as named in sections one and two of this Act. *Provided*, The first assessment and collection shall be made at any time prior to the first day of May, 1857, and annually thereafter.

Proviso.

CHAPTER XXI.

AN ACT

To fix the Compensation of the County Judge of Napa County, the County Judge of Yolo County, and the County Judge and District Attorney of the County of Humboldt, the County Judge of Solano County, and the District Attorney of Solano County.

[Approved February 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Judge of Napa—salary. SECTION 1. That the County Judge of Napa County shall receive for his services, annually, the sum of one thousand dollars; and the County Judge of Yolo County, for his services, annually, the sum of one thousand five hundred dollars; and the County Judge of Humboldt County, for his services, annually, nine hundred dollars; and the District Attorney for the County of Humboldt, shall receive for his services, annually, the sum of five hundred dollars; the County Judge of Solano County, annually, the sum of one thousand five hundred dollars; and the District Attorney of Solano County, annually, the sum of one thousand dollars. *Provided*, This section shall not affect the salaries of the present incumbents.

Of Yolo.

Of Humboldt.

Dist. Attorney's salary.

Judge of Solano.

Dist. Attorney.

Proviso.

CHAPTER XXII.

AN ACT

Amendatory of and supplementary to an Act entitled "An Act to authorize the Board of Supervisors of Placer County to levy a Special Tax," approved March 11, 1856.

[Approved February 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of said Act is hereby amended so as to read as follows: Section two. The tax provided for in the first section of this Act, together with one-half of all moneys received into the County Treasury for county purposes, from sale of Foreign Miners' Licenses, shall be set aside, and kept as a special fund, to be called a "Redemption Fund;" and shall be held and disbursed as is hereinafter provided.

Special fund
How named.

SEC. 2. It shall be the duty of the County Treasurer to give thirty days' notice, by publication in some newspaper published at the county seat, that sealed proposals directed to him, for the surrender of county warrants, will be received by him up to the last day of the session of each regular meeting of the Board of Supervisors.

Duty of Treas'r.

Proposals, when received.

SEC. 3. On the last day of each regular meeting of the Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals, and accept the lowest bids for the surrender of county warrants. *Provided*, That no bid for more than the par value of said warrants, or any bid, unless accompanied by the warrants proposed to be surrendered, shall be accepted.

Supervisors,
Auditor, and
Treasurer open
proposals.
Bids accepted.

Proviso.

SEC. 4. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices; and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the Redemption Fund, and the warrants so redeemed shall be cancelled as other redeemed county warrants, except that the County Treasurer shall write on the face of said warrants "purchased," and the amount paid for the same, and shall sign his name thereto. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amounts of warrants being equal, each shall be accepted "pro rata," or as nearly so as possible. The County Treas-

Auditor and
Treasurer take
description of
warrants.
Specify amount
Make record.
Supervisors
order purchase.

Cancelled

Vouchers.

Preference.

Unaccepted bids
returned.

Separate acc't.

urer shall return all unaccepted bids, together with the warrants therein contained, to the owners on demand.

SEC. 5. The County Treasurer shall keep a separate account under the head of "Redemption Fund," of all moneys received from the sources specified in the first and second sections of this Act; and the said moneys shall never be used or mixed with other funds.

CHAPTER XXIII.

AN ACT

Concerning the Receipts and Expenditures of the State.

[Approved February 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Manner of
paying moneys
into State
Treasury.

SECTION 1. All moneys, and all evidences of indebtedness allowed by law, to be by any person paid for any purpose into the State Treasury, shall be so paid upon the order of the State Controller, as provided in section seventh of "An Act prescribing the mode of receiving, keeping, and paying out the Public Funds," passed January 31, 1850.

Service and time
of service to be
specified by
Controller's
Warrants.

SEC. 2. All warrants drawn by the Controller upon the Treasury, must distinctly specify the service or liability for the payment of which they are drawn, and when such service was performed, or such liability accrued; and no warrant shall be drawn on the Treasury, except there be an unexhausted specific appropriation by law to meet the same.

Specific appro-
priation.

Annual statem't
of manner of
spending con-
tingent funds.

SEC. 3. All officers or others, to whom contingent expenses are allowed, shall annually, in the month of January, make a statement in writing to the Legislature, verified under oath, of the manner in which the various contingent funds allowed them have been expended during the year ending December 31, next preceding, specifying the items; and all officers, as above named, going out of office previous to the said time of making said statement, shall make the same up to the time of their going out of office.

Items specified.

Unexpended
appropriations
returned to
General Fund.

SEC. 4. Whatever surplus of any appropriation, or of any specific fund, which may have been created out of the General Fund, may remain unexpended for the purpose for which the said appropriation was made, or said specific fund was set apart as aforesaid, shall then be transferred and returned to the General Fund.

Moneys paid into
Treasury in legal
currency only.

SEC. 5. All taxes upon real or personal estate, all poll or other taxes, and all licenses levied in whole or in part for the use and benefit of the State, shall be collected and be paid into the State Treasury exclusively, in the legal currency of the United States.

SEC. 6. Between the first and fifteenth days of January in each year, the State Controller shall present in writing to the Legislature a specific statement of the warrants on the Treasury drawn by him during the year ending the thirty-first day of December preceding, showing the date of the warrant, the service or liability for the payment of which the warrant is drawn, the time when such service was performed, or the liability accrued, out of what appropriation drawn, and its amount.

Annual statement
of Controller.

Describing
warrants drawn

SEC. 7. In all cases when it becomes the duty of the State Treasurer to pay or provide for the payment of money at a place other than at the Treasurer's office, he shall not take any money from the Treasury, nor transfer the same, nor make arrangements or contracts for the purpose of making such payment, until within two months next preceding the time when the payment is required to be made.

Time specified
for payment of
money at place
other than office
of Treasurer.

SEC. 8. All provisions of law hereafter made concerning the State finances or Treasury, shall be construed to be subject to the provisions of this Act, and to be controlled thereby, unless there be a special provision declaring this Act inapplicable thereto.

To be applied to
other Acts.

SEC. 9. A wilful violation of, or a wilful neglect to comply with the provisions of this Act, shall be a misdemeanor in office, and the offender shall also be subject to impeachment.

Misdemeanor.
Penalty.

CHAPTER XXIV.

AN ACT

To amend the Sixty-Seventh Section of an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May 1, 1851.

[Approved February 10, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section sixty-seven of an Act to regulate Proceedings in Criminal Cases, passed May 1, 1851, is hereby amended so as to read as follows:

Section sixty-seven. Whenever articles of impeachment against any officer subject to impeachment shall be presented to the President of the Senate, such officer shall be temporarily suspended from his office, and shall not act in his official capacity until duly acquitted. Upon such suspension of any officer other than the Governor, the Governor shall immediately take charge of his office, and such office shall at once be temporarily filled by appointment by the Governor, by and with the advice and consent of the Senate, until

Impeachment.

Temporary
suspension.

Governor's appoint.

the acquittal of the party impeached; or in case of his removal, then until the vacancy be filled at the next general election, as required by law.

CHAPTER XXV.

AN ACT

For the relief of Richard Cole.

[Approved February 11, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

<p>Appropriation.</p> <p>Nature of service.</p> <p>Controller draw warrants.</p> <p>Treasurer pay.</p>	<p>SECTION 1. The sum of two hundred and ten dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of paying Richard Cole for services rendered in translating certain laws into the Chinese language.</p> <p>SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasury in favor of said Richard Cole, for the sum of two hundred and ten dollars; and the State Treasurer is hereby authorized and directed to pay the same out of any moneys in the State Treasury not otherwise appropriated.</p>
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CHAPTER XXVI.

AN ACT

Concerning the Salary of the County Judge of the County of San Francisco.

[Approved February 11, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

<p>Auditor pay salary of Judge.</p>	<p>SECTION 1. The Auditor of the City and County of San Francisco is hereby authorized to pay to the County Judge of said</p>
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county his salary, as prescribed by law, as County Judge, for the months of April, May, and June, 1856. *Provided*, he has not previously been paid by the issue of warrants or otherwise. *Proviso.*

CHAPTER XXVII.

AN ACT

To amend the Forty-fifth Section of an Act concerning Officers.

[Approved February 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section forty-five of the Act concerning Officers, passed April 28, 1851, is hereby amended so as to read as follows :

Section forty-five. Whenever a vacancy shall occur in the office of Attorney General, Surveyor General, Treasurer, or Controller, the Governor shall fill such office by appointment, by and with the advice and consent of the Senate when in session; and the person so appointed, having given bond, and qualified as required by law, may continue in office until the next succeeding general election, and until his successor is elected and qualified.

Vacancies in certain offices.
Gov'r appoint.
Bond given.
Continuance in office.

CHAPTER XXVIII.

AN ACT

To fix the Salary of the County Judge of Placer County.

[Approved February 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The salary of the County Judge of Placer county, from and after the expiration of the term of the present incumbent, shall be two thousand dollars per annum. *Salary.*

SEC. 2. All laws and parts of laws conflicting with the provisions of this Act, are hereby repealed. *Repeal.*

CHAPTER XXIX.

AN ACT

Concerning the Office of County Recorder in the County of Sonoma.

[Approved February 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Not apply to
Sonoma county.

Clerk and Re-
corder separate
offices.

Applicable to
Sonoma.

When take
effect.

SECTION 1. The provisions of an Act entitled "An Act concerning County Records," passed March 26th, 1851, shall not apply to the County of Sonoma, so far as said Act unites the two offices of County Clerk and County Recorder; but in said county, said offices shall be separate and distinct.

SEC. 2. All the provisions of the Act concerning County Recorders, defining their duties and responsibilities, and continuance in office, shall apply, in all respects, to said County of Sonoma.

SEC. 3. This Act shall take effect on and after the next general election.

CHAPTER XXX.

AN ACT

To fix the Compensation of the County Judge and District Attorney of Stanislaus County, and the District Attorney of Napa County.

[Approved February 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Judge Stanislaus
Co.—Salary.

Dist. Attorney's
salary.

Napa Co.

Dist. Attorney's
salary.

SECTION 1. The County Judge of Stanislaus County, shall receive for his salary, annually, twelve hundred dollars. The District Attorney of Stanislaus County, shall receive for his salary, annually, the sum of eight hundred dollars. The District Attorney of Napa County, shall receive for his salary, annually, the sum of six hundred dollars.

CHAPTER XXXI.

AN ACT

To amend an Act entitled "An Act to fund the Debt of the County of Napa, and provide for the Payment of the same," approved April 19th, 1856.

[Approved February 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of said Act, is hereby amended so as to read as follows :

Section five. Any person holding true and lawful warrants against the County of Napa, as provided in the third section of this Act, shall have the privilege of receiving, in exchange therefor, ten per cent. bonds, as provided for in the first section of this Act; and the Treasurer is hereby directed and authorized to issue said bonds to the persons holding said warrants, at the rate of dollar for dollar, including the interest which may have accrued on the said warrants on the first day of October, one thousand eight hundred and fifty-six. *Provided*, Said warrants be presented at any time between the first day of October, eighteen hundred and fifty-six, and the first day of June, eighteen hundred and fifty-seven, to the Treasurer of said county.

Privilege of persons holding warrants.

Treasurer issue bonds. Rate.

Proviso.

CHAPTER XXXII.

AN ACT

To fix the Compensation of the District Attorney for the County of Siskiyou, and to repeal in part the First Section of an Act entitled "An Act to fix the Compensation of District Attorneys for the several Counties in this State," passed May 4th, 1855.

[Approved February 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The District Attorney for the County of Siskiyou, shall receive for his services, annually, the sum of two thousand five hundred dollars, which shall, quarterly, be audited and paid

Salary. Audited quarterly

Manner of
payment.

in the same manner as salaries of County Judges are, by law, audited and paid.

Repeal.

SEC. 2. The first section of an Act entitled "An Act to fix the Compensation of District Attorneys for the several Counties of this State," passed May 4th, 1855, is hereby repealed, so far as the provisions of said section extend to the County of Siskiyou.

CHAPTER XXXIII.

AN ACT

To amend an Act entitled "An Act to incorporate the Town of Eureka," approved April eighteenth, one thousand eight hundred and fifty-six.

[Approved February 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section tenth of an Act entitled "An Act to incorporate the Town of Eureka," approved April eighteenth, one thousand eight hundred and fifty-six, is hereby amended so as to read as follows:

Electors and
returns, how
regulated.
Vacancies, how
filled.

Section ten. The election and returns of such town officers shall be regulated, and all vacancies filled, in the same manner as prescribed by an Act entitled "An Act to provide for the Incorporation of Towns," approved April nineteenth, one thousand eight hundred and fifty-six.

CHAPTER XXXIV.

AN ACT

To legalize and confirm the Election of the Board of Trustees of the Town of Eureka, in the County of Humboldt.

[Approved February 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The election of the Board of Trustees of the town of

Eureka, in the County of Humboldt, at an election held on the third Monday of June, one thousand eight hundred and fifty-six, is hereby legalized and confirmed, and the said election, and all subsequent proceedings in relation thereto, shall have full force and effect.

The election.

Have full force.

CHAPTER XXXV.

AN ACT

To provide for taking the sense of the People of Tehama County upon the question of Removal of the County Seat thereof from the Town of Tehama to the Town of Red Bluff.

[Approved February 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whereas, it appears that a portion of the people of the County of Tehama desire the County Seat thereof may be removed from the Town of Tehama, and located at the Town of Red Bluff; and another portion desire that the County Seat aforesaid may remain, as now fixed by law, at the Town of Tehama; therefore, that the qualified electors of said County of Tehama may be afforded the opportunity of expressing their wishes upon this question, it is hereby provided, that, within twenty days after the passage of this Act, an election shall be held in the County of Tehama for the purpose aforesaid.

Diversity of opinion.

Election ordered

SEC. 2. The Board of Supervisors of said county shall fix a certain day, within the period of twenty days after the passage of this Act as aforesaid, on which said special election, for the purpose expressed in the first section of this Act, shall be held.

Supervisors fix the time of election.

SEC. 3. The ballots used at said election shall be written or printed, and shall read thus: "For County Seat, Tehama;" or, "For County Seat, Red Bluff."

The ballots.

SEC. 4. It shall be the duty of the Board of Supervisors of said county, immediately after the passage of this Act, to establish election precincts in said county, and appoint Inspectors and Judges of each.

Supervisors establish precincts, and appoint Judges.

SEC. 5. The Clerk of said county shall cause printed notices of the day of said election, and the purpose for which said election is to be held, and also a correct list of the election precincts in said county, with the names of the Inspectors and Judges of each, to be posted in each of the election precincts, at least ten days previous to the day of holding said election; and the Inspectors and Judges shall conduct said election, and count and make return of the votes

Duty of County Clerk.

Duty of Judges.

cast, in strict accordance with the provisions of an Act entitled "An Act to provide for Elections."

Returns published.

SEC. 6. The Board of Canvassers of the returns of this special election shall declare and publish the result of the same.

County not liable for expenses of election.

SEC. 7. The County of Tehama shall not be liable for any charges for services rendered in holding this special election, made by persons serving as Inspectors, Judges, or Clerks of said election, nor for the bringing in of the returns to the Clerk of the county, nor for any other services rendered in connection with the holding of this election.

CHAPTER XXXVI.

AN ACT

Explanatory of an Act entitled "An Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature," approved April 21, 1856.

[Approved February 20, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

The Controller and Treasurer.

SECTION 1. The Act entitled "An Act to reduce and establish the Salaries of Officers and Pay of Members of the Legislature," approved April 21, 1856, shall not be construed to apply to the salary of any person who is or may be appointed to fill any vacancy in the office of Controller of State, or Treasurer of State, previous to the next general election; but the appointees to fill such vacancy shall receive the same salary as the person in whose office the vacancies occurred, up to the next general election, and until their successors are elected and qualified. *Provided*, that this Act shall not be construed so as, in any case, to apply to any other officer mentioned in the said Act.

The same salaries as their predecessors.

Proviso.

CHAPTER XXXVII.

AN ACT

To alter and define the Boundary Lines of Tehama County.

[Approved February 19, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County of Tehama shall be bounded as follows, to wit: Beginning at the first section line north of Rogers' house, on the Sacramento river, and running west on that line to where it is crossed by Stoney creek; then up the middle channel of said creek to the mouth of the north fork of said creek; up the middle channel of the north fork to the summit of the Coast Range; up the Coast Range to the middle fork of Cottonwood creek, and down the center channel of said creek to where it empties into the Sacramento river; thence up the middle channel of said river to the mouth of Butte creek; up the middle channel of said creek to the western line of Plumas county; thence on said line south to the line of Butte county, and down that line to the head branch of Mud creek, and down the channel of said creek to where it disappears; thence in a direct line to the point of beginning. Boundaries.

SEC. 2. The second section of an Act entitled an Act to create the County of Tehama, to define its boundaries, and to provide for its organization, approved April 9, 1856, and all Acts conflicting with the provisions of this Act, are hereby repealed. Repeal.

CHAPTER XXXVIII.

AN ACT

To fix the Compensation of the County Judge of San Joaquin County.

[Approved February 19, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the County Judge of San Joaquin County, shall be three thousand dollars per annum, from and after

the expiration of the term for which the present incumbent shall have been elected.

Repeal.

SEC. 2. All Acts, or parts of Acts, conflicting with the provisions of the foregoing section, are hereby repealed.

CHAPTER XXXIX.

AN ACT

Amendatory of an Act fixing the Time of holding the Court of Sessions, County Court, and Probate Court, in and for the County of Santa Clara, passed April 18, 1856.

[Approved February 19, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of "An Act fixing the Time of holding the Court of Sessions, County Court, and Probate Court, in and for the County of Santa Clara," passed April 18th, 1856, is hereby amended so as to read as follows:

When held.

Section one. There shall be held, annually, in and for the County of Santa Clara, on the fourth Mondays of February, June and October, a term of the Court of Sessions, County Court and Probate Court, which said terms shall continue from day to day, until the business of said Courts shall be disposed of.

Take effect.

SEC. 2. This Act shall take effect on and after the first day of April next.

CHAPTER XL.

AN ACT

To amend an Act amendatory of and supplementary to an Act approved April 20, 1852, entitled an Act to provide for Funding the Debt of San Joaquin County, for the Payment of Interest thereon, and for the Gradual Liquidation of the Debt, approved April 19, 1856.

[Approved February 19, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of the above entitled Act, is hereby amended so as to read as follows:

Within thirty days after the passage of this Act, the Board of Supervisors of said county, shall cause to be made out, bonds for the amount of said indebtedness; the said bonds to be in sums of fifty, one hundred, two hundred and fifty, five hundred, and one thousand dollars, at the option of the parties accepting the same; every holder of county warrants, scrip or bonds, and all persons owning, or representing as agent or attorney, any claim or debt against the county, which has been audited and allowed, on or before the first day of July, A. D. one thousand eight hundred and fifty six, by the proper authority, may present the same to the Board of Supervisors of said county, within twelve months from the passage of this Act, in order that the same may be canceled, and that bonds to the amount of said bonds, warrants, or other indebtedness, with interest due thereon, may be issued in lieu thereof by the Board of Supervisors to the holder, his agent or attorney. It shall be the duty of said Board of Supervisors to issue, as herein contemplated, bonds for the amount of said warrants, scrip, bonds, and other proper evidence of debt, properly audited and allowed, on or before the first day of July, A. D. one thousand eight hundred and fifty-six, or which accrued prior to that date; said bonds to be styled "San Joaquin County Bonds," and to be signed by the President of the Board of Supervisors, Clerk of the Board, and countersigned by the County Treasurer. It shall be the duty of said Board to cause all such warrants, scrip, bonds, and other evidence of debt, for which bonds shall be issued as herein provided, to be canceled immediately after issuing bonds therefor.

SEC. 2. Section eight is amended so as to read as follows:

On the first day of January of each year, when there shall be as much as five hundred dollars in the county treasury, collected by the provisions of this amendatory Act, over and above the interest due on such first of January and July next, it shall be the duty of the County Treasurer to advertise in some public newspaper, in the City of Stockton, for ten days, stating the amount of such surplus in the "Sinking Fund," and inviting bids at such Treasurer's office, on a given day, specifying the hour, for proposals

Supervisors cause bonds to be made.
Denomination of bonds.

Holders of indebtedness present claims to Supervisors.

To be canceled, and issue bonds in lieu thereof.
Duty of Supervisors.

Name of bonds.

How signed.

When canceled.

Surplus over interest.

Treasurer advertise for redemption of bonds.
Amount of surplus, and time for redemption specified.

Bidding in
public.
Most advan-
tageous terms
accepted.

How applied.

Rate of bids.

to redeem bonds by this amendatory Act authorized to be issued; such bidding shall be in public, and it shall be the duty of the Treasurer to accept such bids, and in such amounts, as will be the most advantageous terms to the county, and for such surplus will be able to redeem the greatest amount of bonds, and the same shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and canceled, but no bid shall be received at a higher rate than principal and interest.

SEC. 3. This Act to take effect from and after its passage.

CHAPTER XLI.

AN ACT

Fixing the Time of holding the several Courts authorized to be held by the County Judge of the County of Calaveras, and to change the manner of summoning a Jury for the County Courts of said County, approved April 27, 1855.

[Approved February 19, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

All at the same
time.

When held.

Court of Sessions
first.

County Court.

Probate Court.

Same jury.

Separate records

Special terms if
necessary.

Repeal.

SECTION 1. The Courts authorized to be held by the County Judge of Calaveras County, shall hereafter be held all at the same time, viz : on the first Monday of January, April, July, and the third Monday of October.

SEC. 2. At said terms, the business pertaining to the Court of Sessions shall be first in order, and if no business of the Court of Sessions be ready, the Judge shall adjourn the Court of Sessions, and open the County Court; and if no business of the County Court be ready, he shall adjourn the County Court, and open the Probate Court.

SEC. 3. The trial jury summoned for the Court of Sessions, in said county, shall be the trial jury for the County Court therein.

SEC. 4. The records of each of the said Courts, shall be kept separately, as required by law.

SEC. 5. The County Judge of said county may call and hold special terms of the Court of Sessions and Probate Court, whenever the public interest may require it.

SEC. 6. All laws, and parts of laws, contrary to the provisions of this Act, are hereby repealed, so far as they relate to the County of Calaveras.

CHAPTER XLII.

AN ACT

To amend an Act creating a Board of Commissioners, and the Office of Overseer, in each Township of the several Counties of this State, to regulate Water Courses within their respective limits, passed May 15, 1854.

[Approved February 19, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first, of said Act, is hereby amended so as to read as follows:

Section one. There shall be in each township of the Counties of San Diego, Santa Barbara, San Luis Obispo, Napa, Los Angeles, Solano, Contra Costa, Colusi, Tulare and Santa Cruz, a Board of Commissioners to regulate water courses, to consist of three members, and also an Overseer, to be elected as hereinafter provided.

CHAPTER XLIII.

AN ACT

*To amend an Act to regulate Proceedings in Civil Cases, passed
April 29, 1851.*

[Approved February 20, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and forty-six, of said Act, is hereby amended so as to read as follows:

Section six hundred and forty-six. In the Counties of Santa Clara, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Contra Costa, Los Angeles and San Diego, it shall be the duty of the officer to give the defendant in a civil action, if said defendant shall require it, a copy of the summons, or other process, in the Spanish language; and in the Counties of Santa Barbara, San Luis Obispo, Los Angeles, San Diego, Monterey and Santa Cruz, it

Copy of process in Spanish.

All proceedings in Spanish if required.

shall be lawful, with the consent of both parties, to have the process, pleadings, and other proceedings in a cause, in the Spanish language.

CHAPTER XLIV.

AN ACT

To extend the Time of collecting Taxes in the County of Marin.

[Approved February 20, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- Time extended.** SECTION 1. The time of collecting delinquent and other taxes now due in the County of Marin, is hereby extended to the first Monday in June, one thousand eight hundred and fifty-seven.
- Proviso.** *Provided*, That nothing in this Act shall be so construed as to release, in any way, the sureties on the official bond of the Sheriff of Marin County.
- Additional bond.** SEC. 2. The Board of Supervisors of Marin County, may require of the Sheriff to give additional bonds, if they shall deem it necessary for the security of the public moneys to be collected by the extension granted in this Act.

CHAPTER XLV.

AN ACT

To change the Time of holding the Courts in Yolo County.

[Approved February 20, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- Court of Sessions when held** SECTION 1. The County Judge of Yolo county shall hold the Court of Sessions on the third Monday of August, and the first Mondays of December and April; the County Court shall be held

on Thursday after the third Monday in August, and the first Monday of December and April, and the Probate Court on the first Mondays of January, March, May, July, September, and November, of each year.

County Court,
when held.
Probate Court,
when held.

CHAPTER XLVI.

AN ACT

To grant to the Sheriff of Tuolumne County additional time to make his Annual Settlement for the Collection of State and County Taxes for the year 1856.

[Approved February 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Sheriff of the County of Tuolumne is hereby granted two months from the first Monday of March, 1857, to make his annual settlement for the collection of State and County Taxes for the year 1856; and he shall continue the collection of State and County Taxes up to the expiration of that time. *Provided*, That nothing in this Act shall be so construed as to release, in any way, the sureties on the official bond of the Sheriff of Tuolumne county. *And further provided*, That before the said first Monday of March next, the said Sheriff obtain the written consent of his sureties to this extension of time, or in default thereof, execute new bonds for the faithful discharge of his duties under this Act, in the sum of twenty-five thousand dollars.

Time extended.

Proviso.

Further proviso

New bonds.

SEC. 2. The Board of Supervisors of Tuolumne county may require the Sheriff to give additional bonds, if they shall deem it necessary for the security of the public moneys to be collected by the extension granted in this Act.

Addition'l bonds

CHAPTER XLVII.

AN ACT

Granting the Privilege to John A. Rudisall to erect a Wharf on Petaluma Creek, in Sonoma County, and collect Wharfage.

[Approved February 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The right to build and erect a wharf, on the south side of Petaluma Creek, in Sonoma County, at what is called the Hay Stack Landing, from the point of high land now occupied by John A. Rudisall, extending into the creek to low tide, is hereby granted to John A. Rudisall, his heirs or assigns, for the term of ten years from the passage of this Act.

SEC. 2. The use and occupancy of the overflowed land hereby granted for the purpose of said wharf, shall consist of a strip of land commencing at low tide, and running back not to exceed one hundred feet in width, and six hundred feet in length, to include the present wharf.

SEC. 3. The said Rudisall shall keep the present wharf in good repair, and shall, from time to time, enlarge the same as the business and commerce may require, and collect such wharfage, and be subject to such rules and regulations, as may be prescribed by the Board of Supervisors of Sonoma County.

SEC. 4. The privilege hereby granted shall not authorize the said Rudisall, his heirs or assigns, at any time to obstruct the navigation of said creek.

CHAPTER XLVIII.

AN ACT

To extend the Time of collecting Taxes in the County of Contra Costa.

[Approved February 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Sheriff of the County of Contra Costa is

hereby authorized and empowered to continue the collection of State and County taxes due therein, until the first Monday in May next; and for such purposes, he shall have all the powers given to Sheriffs by the "Act to provide Revenue for the support of the General Government of this State;" and in said collection he shall be governed, in all respects, by said Act, and he shall not be required to make his final settlement, or to return his delinquent list, until the second Monday in May next. *Provided*, he shall make settlement in accordance with the provisions of said Act, of all taxes collected, before proceeding under this Act, and shall make oath that he has not, under his control, any moneys collected for taxes, except such as he believes he is entitled to as fees.

Time extended.

Proviso.

SEC. 2. This Act shall expire on the eleventh day of May next; and during its continuance all provisions of law in conflict or inconsistent with this Act, are hereby suspended.

Suspension of conflicting laws.

SEC. 3. Before the extension herein granted shall take effect, the said Sheriff shall file, with the Clerk of the Board of Supervisors, the written consent of his sureties to the said extension; or in default thereof, shall execute new bonds, conditioned, in the sum of ten thousand dollars, for the faithful discharge of the duties imposed upon him by this Act.

Consent of sureties, or new bonds.

CHAPTER XLIX.

AN ACT

To establish the County Seat of El Dorado County.

[Approved February 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the first day of April, one thousand eight hundred and fifty-seven, the City of Placerville, in the County of El Dorado, shall be the county seat of said County of El Dorado.

Location of County Seat.

SEC. 2. All laws, and parts of laws, inconsistent with the provisions of this Act, are hereby repealed.

Repeal.

CHAPTER L.

AN ACT

Concerning the collection of Taxes in Yolo County.

[Approved February 28, 1857.]

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*Extension of
time.

Proviso.

SECTION 1. The time for the collection of the delinquent, and other taxes, now due in the County of Yolo, is hereby extended to the first Monday in June, 1857. *Provided*, That the Sheriff of said county shall file with the Clerk of the Board of Supervisors of said county, the written consent of his sureties to the above extension of time; or, in default thereof, execute new bonds, in the sum of five thousand dollars, conditioned for the faithful discharge of his duties under this Act.

CHAPTER LI.

AN ACT

To grant to the Sheriff of Alameda County additional Time to make his Annual Settlement for the Collection of State and County Taxes for the Year One Thousand Eight Hundred and Fifty-six.

[Approved February 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

Proviso.

SECTION 1. The Sheriff of Alameda County is hereby granted two months from the first Monday of March, one thousand eight hundred and fifty-seven, to make his annual settlement for the collection of State and County taxes in Alameda County; and the said Sheriff shall continue the collection of State and County taxes in said county, up to the expiration of that time. *Provided*, Before the extension herein granted shall have effect, he shall obtain the written consent of his sureties to the extension herein granted, or, in default thereof, execute new bonds for the faithful discharge of his duties under this Act, in the sum of twenty-five thousand dollars.

SEC. 2. The Board of Supervisors of Alameda County may require the Sheriff of said county to give additional bonds, if they shall deem it necessary, for the security of the public money to be collected by the extension granted in this Act. Additional bonds if necessary.

SEC. 3. The Sheriff shall make a settlement on the first Monday of March, one thousand eight hundred and fifty-seven, and pay over all money collected by him for taxes up to that time. Settlement to be made.

CHAPTER LII.

AN ACT

To create the County of Del Norte, to define its Boundaries, and to provide for its Organization.

[Approved March 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be formed in the northern portion of Klamath County, a new county, to be called Del Norte County. Del Norte county formed.

SEC. 2. The boundaries of the County of Del Norte, shall be as follows: commencing at a point in the Pacific Ocean, three miles from shore, on the forty-second parallel of north latitude, and running thence southerly three miles from shore to a point one mile south of the mouth of Klamath River; thence easterly, on a line parallel with said Klamath River, to a point one mile south of the mouth of Blue Creek; thence in a northeasterly direction, to the summit of the Siskiyou Mountains; thence in an easterly direction, following the ridge that divides the waters of Clear Creek from the waters of Dillon's Creek, to the Klamath River, at a point equi-distant from the mouth of said Dillon's Creek and the mouth of said Clear Creek; thence across the Klamath River, and in an easterly and northerly direction to said Klamath River, at the head of the Canon, (said Canon being about five miles above the mouth of Indian Creek, and between Eagle Ranch and Johnson's Ranch,) following the ridge of the mountain, and heading the waters that flow into said Klamath River, on the south side, between the two points last before mentioned; thence crossing the river, and in a northerly direction, following the ridge dividing the waters that flow into the river above from the waters that flow into the river below the place of crossing, to a point on the forty-second parallel of north latitude, due north from the head of said Canon; and thence west to the place of beginning. Boundaries. Same. Same. Same.

SEC. 3. The seat of justice of Del Norte County, shall be at Crescent City. County Seat located.

Election ordered	SEC. 4. There shall be an election held in said county on the first Monday in May, A. D. 1857, at which election there shall be
Officers to be elected.	chosen a County Judge, County Clerk, Sheriff, District Attorney, Assessor, Treasurer, Surveyor, Coroner, Public Administrator, and Board of Supervisors.
Board of Commissioners appointed.	SEC. 5. W. B. Freamer, J. T. Basey, Peter Darby, R. B. Morford, and P. H. Peveler, are hereby appointed a Board of Commissioners to divide said county into three Supervisor Districts, to
Duty of Commissioners.	designate the election precincts for said election, to appoint the Inspectors and Judges of Election at the several precincts, as designated, to receive the returns, and to issue certificates of election to the persons entitled to the same.
Election laws.	SEC. 6. The laws of a general nature now in force, regulating elections in this State, shall apply to the election ordered by this
Exception.	Act,—except that the above Board of Commissioners herein appointed, shall designate the election precincts, appoint the Inspectors and Judges of Election, receive the election returns, and issue the several certificates to the persons elected.
Time and place of meeting of the Board.	SEC. 7. Said Board of Commissioners shall hold their first meeting for the transaction of business at Crescent City, on Monday, two weeks previous to the election. A majority of said Board
Quorum.	shall constitute a quorum at such meeting; said Board shall appoint one of their number President, and one as Clerk, who shall
Appoint President and Clerk.	keep a record of proceedings. At said meeting, or the time to which it may be adjourned, the Board shall designate the precincts of the county, and appoint Inspectors and Judges of Election for such precincts, and give at least ten days' notice thereof, by
Public notice given of election precincts, &c.	publication in the "Crescent City Herald," and also by posting written or printed notices in each election precinct, or place of holding such election, at least five days prior to the day of election.
Sealed returns.	SEC. 8. Sealed returns from the officers of election may be delivered to any member of said Board of Commissioners. The
Time and place of examining returns.	said Board shall meet on the tenth day subsequent to the election, at Crescent City, and the returns shall then be opened and read, and under their direction, and in their presence, a tabular statement
Tabular statement to be made.	shall be made out, showing the vote given at each precinct of the county, for each person voted for, and for each of the offices to be filled at the election, and also the entire vote given in the county for each person. The said statement shall be signed by the President and Clerk of the Board. The persons having the highest
Signed by President and Clerk.	number of legal votes for the several offices to be filled, shall be declared elected, and the President shall immediately make out and send, or deliver to each person elected, a certificate of election, signed by him as President of the Board of Commissioners, and attested by the Clerk.
Certificates of election.	SEC. 9. The persons elected as county officers, as provided in this Act, shall qualify before the President of said Board, or some person authorized to administer oaths, within ten days after the date of their certificates of election, and enter upon the discharge of the duties of their offices.
Officers elected, to qualify within certain time.	SEC. 10. The President of the Board shall transmit, without delay, a copy of the tabular statement, prepared as provided for in section eight, to the Secretary of State. The election returns of the county, and a duplicate tabular statement, shall be retained by
Copy of tabular statement to be sent to Secretary of State.	

the President of said Board of Commissioners, until the person elected as County Clerk of said county shall have qualified and entered upon the duties of his office, after which they shall be filed in his office.

Election returns and tabular statement to be filed in Clerk's office.

SEC. 11. The county officers elected under the provisions of this Act, shall hold their respective offices for the term fixed by law, commencing said term on the first Monday of October, eighteen hundred and fifty-seven, and until their successors are elected and qualified.

Terms of office.

SEC. 12. The County Judge shall receive for his services the sum of one thousand dollars per annum. The salary of the District Attorney shall be six hundred dollars per annum, and shall be audited and paid quarterly, in the same manner as the salaries of the County Judges are by law audited and paid.

Salary of County Judge.

Of Dist. Attorney

Manner of payment.

SEC. 13. The County of Del Norte, for representative purposes, shall be attached to Klamath County, and shall be attached to, and form a part of, the Twelfth Senatorial District, until otherwise provided by law; and for judicial purposes, shall be attached to, and form a part of, the Eighth Judicial District. A term of the District Court shall be held in said county, on the first Monday in May, August and November, each year.

Del Norte county attached to Twelfth Senatorial District.

To the Eighth Judicial District

Term of District Court.

SEC. 14. All township officers chosen at the general election for Klamath County, whose districts are included in the limits of Del Norte County, as defined in this Act, shall continue to hold their respective offices for the said County of Del Norte, during the term for which they were elected, and until their successors are elected and qualified.

Township officers elected for Klamath to hold office in Del Norte till expiration of term.

SEC. 15. On the application of the Clerk of Del Norte County, the Clerk of Klamath County shall deliver to him the books in his office, containing the records of deeds, mortgages, claims, power of attorneys, and mechanics' liens; also, all files concerning lands and real estate situated in Del Norte County. Within two months after the delivery of said records, the Clerk of Del Norte County shall deliver to the Clerk of Klamath County, suitable books of records, containing certified copies of all conveyances and other writings concerning lands and real estate situated in Klamath County. It shall be the duty of the Board of Supervisors of Del Norte County, to provide for the payment of the expenses incurred in this transfer and copy of records.

Transf'r of books of records, &c.

Clerk of Del Norte to deliver to Clerk of Klamath copies of conveyances, &c.

Cost of transfer to be paid by Del Norte county.

SEC. 16. All actions, or proceedings in the nature of actions, whether original or appeal, civil or criminal, which shall be pending in the courts of Klamath County at the organization of Del Norte County, in which the defendants are residents of said Del Norte County, and all probate matter, in which the deceased shall have been, at the time of their death, residents of the territory now constituting said county, shall be removed for trial and final determination to the proper courts of Del Norte County, on motion of any party in interest.

Action pending.

How disposed of.

SEC. 17. At the first regular meeting of the Board of Supervisors of Del Norte County, there shall be appointed by said Board two persons as Examiners, to meet a corresponding number of Examiners who shall be appointed by the Board of Supervisors of Klamath County, at their regular meeting held on the first Monday in August, A. D. 1857. The Examiners so appointed shall meet

Examiners appointed.

Meeting of.

Duties of Debt.	at the seat of justice of Klamath County, on the third Monday in September of the present year, or as soon thereafter as practicable, and enter upon the discharge of their duties. They shall first proceed to ascertain the indebtedness of Klamath County, prior to the organization of Del Norte County, and when the amount of indebtedness is so ascertained, they shall determine the amount of said indebtedness to be paid by Del Norte County, taking as a basis the sources of revenue of the two counties; and a statement of the amount so agreed upon as a just proportion of the indebtedness of Klamath County to be paid by Del Norte County, as soon as ascertained, shall be forwarded to the Board of Supervisors of each county, and to the Auditor of Del Norte County. So soon as the Auditor of Del Norte County shall have received such statement, properly certified to by a majority of said Board of Examiners, he shall draw a warrant, bearing interest at the rate of ten per cent. per annum, on the Treasurer of his county, in favor of the Treasurer of Klamath County, for the amount so apportioned, payable as hereinafter provided. In case said Board of Examiners fail or omit to act in the premises, either to ascertain the amount of indebtedness of Klamath County, or to make such apportionment, then the Board of Supervisors of Klamath County shall ascertain the whole amount of indebtedness of Klamath County, and shall make out a certified statement of such amount, and transmit the same to the Auditor of Del Norte County, who, upon receiving such statement, shall draw a warrant on the treasury of Del Norte County in favor of the Treasurer of Klamath County, as above specified, for one-third of the whole amount of such indebtedness.
Settlement of indebtedness between the counties.	
Same.	
Same.	
Vacancies.	SEC. 18. Should any vacancy occur in said Board of Examiners by death, resignation, or otherwise, the Board of Supervisors of the county in whose representation such vacancy shall occur, shall have power to fill such vacancy by appointment; or should the Examiners before designated, be unable to agree in the discharge of the duties imposed by the provisions of this Act, they are hereby required and empowered to appoint a fifth Examiner, which Examiner so appointed shall be a member of said Board of Examiners, and a majority of said Examiners shall constitute a quorum for the transaction of business, and the acts and doings of a majority, shall be deemed the acts and doings of the whole Board of said Examiners. <i>Provided</i> , That each member of said Board shall have notice of such meetings. The <i>per diem</i> compensation of said Examiners, shall be fixed and paid by the respective counties to which they belong. <i>Provided</i> , That in case of the appointment of a fifth Examiner, as provided in this section, then the amount allowed said fifth Examiner to be paid equally by said counties.
How filled. *	
Fifth Examiner.	
Proviso.	
Compensation.	
Sinking fund.	SEC. 19. Twenty per cent. of all moneys received into the County Treasury of Del Norte County, for county purposes, shall be set apart as a Sinking Fund, to liquidate the debt due from Del Norte County to Klamath County, and shall be paid over by the Treasurer of Del Norte County to the Treasurer of Klamath County, annually, upon the first Monday in November, and the amount so paid over to be indorsed upon the warrant held by the Treasurer of Klamath County against Del Norte County.
Time of payment	
Special tax.	SEC. 20. The Board of Supervisors of Del Norte County shall have power to levy a special tax, not to exceed twenty-five cents
*	

on each one hundred dollars of valuation of taxable property of said county, to be assessed and collected as other taxes. The fund arising from said special tax shall be applied, in addition to the twenty per cent. specified in section nineteen, to the liquidation of the debt due to Klamath County.

CHAPTER LIII.

AN ACT

To fix the Time of holding the several Courts authorized to be held by the County Judge of the County of Santa Cruz.

[Approved March 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Courts authorized to be held by the County Judge in and for the County of Santa Cruz, shall hereafter be held all at the same time, viz: On the first Monday of February, April, June, August, October, and December, of each year, and shall continue from day to day, until a disposition is made of the business.

SEC. 2. At said terms, the business pertaining to the Court of Sessions shall first be disposed of, and after that, the business of the County Court, and then of the Probate Court, in such order as the Judge may determine. This order of business shall be held as a rule of precedence only, and after the business of one Court is disposed of, for the time being, the business of the other Courts may, on the same day, be acted upon.

SEC. 3. The records of each of said Courts shall be kept separately, as required by law.

SEC. 4. The County Judge of said county may call and hold special terms of the Probate Court and Court of Sessions, whenever the public interest may require it.

SEC. 5. An Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May 19, 1853, so far as the same conflicts or is inconsistent with the provisions of this Act, is hereby repealed, so far as the same relates to the County of Santa Cruz.

CHAPTER XLIV.

AN ACT

To incorporate the City of Marysville.

[Approved March 3, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

ARTICLE I.

SECTION 1. The district of country in the County of Yuba, which is contained within the boundaries hereinafter described, shall be a city, by the name of Marysville, and the inhabitants residing therein, shall be a corporation under the name and style of the Mayor and Common Council of the City of Marysville, and by that name they and their successors in office shall be known in law, have perpetual succession, sue and be sued, complain and defend, in all Courts, and in all actions and proceedings, and may purchase, hold, and receive property, real and personal, within said city, may lease, sell, and dispose of the same for the benefit of the city, may provide for the regulations and use of all commons belonging to the city, and may have a common seal, and alter the same at pleasure. *Provided,* They shall not purchase any real estate other than such lands or lots within the same as shall be necessary for the erection thereon of public buildings, or for the laying out of streets, or public grounds, or as may be required for burial places, and for wharves and landings, or ferry and bridge landings.

Corporation.

Name and style.

Powers of Mayor
and Common
Council defined.

Proviso.

Boundaries.

SEC. 2. The boundaries of the City of Marysville shall be as follows: Commencing at high water mark on the south bank of the Yuba river, at a point one mile east of the public plaza, and running thence north two miles; thence west to the middle of Feather river; thence south, following Feather river, to high water mark on the southern bank of the Yuba river; thence east along the southern bank of the Yuba river to the place of beginning.

City divided into
four wards.

First Ward.

Second.

Third.

Fourth.

Power to alter
boundaries of
wards.
Proviso.

SEC. 3 The said city shall be divided into four wards, as follows: All that part of the city which lies west of Main or E street, shall be the "First Ward;" second, all that part of the city which lies between E street and D street, shall be the "Second Ward;" third, all that part of the city which lies between D street and C street, shall be the "Third Ward;" fourth, all that part of the city which lies east of C street, shall be the "Fourth Ward."

SEC. 4. The Common Council shall have power to alter, from time to time, by a vote of two-thirds of all the members, the boundaries of the wards. *Provided,* Such alteration be made three months previous to the annual election of city officers.

ARTICLE II.

City officers.

SECTION 1. The officers of the City of Marysville shall consist of one Mayor, one Recorder, twelve Aldermen, one Treasurer, one

Clerk, one Marshal (who shall be ex-officio Chief of the Police,) one Attorney, one Assessor, and such other officers as are herein-after authorized to be appointed.

SEC. 2. The Mayor shall be elected by the qualified electors of the city, for one year, and until his successors shall be elected and qualified. Election of Mayor.
Term of office.

SEC. 3. Three Aldermen shall be elected by the qualified electors of each ward, and shall hold their offices for one year, and until their successors are elected and qualified. Aldermen.
Term of office.

SEC. 4. The Recorder shall be elected by the qualified electors of the city, and shall hold his office for one year, and until his successor shall be elected and qualified. Recorder.
Term.

SEC. 5. The Marshal shall be elected by the qualified electors of the city, and shall hold his office for one year, and until his successor shall be duly elected and qualified. Marshal.
Term.

SEC. 6. The Treasurer shall be elected by the qualified electors of the city, and shall hold his office for one year, and until his successor shall be elected and qualified. Treasurer.
Term.

SEC. 7. The Clerk shall be elected by the qualified electors of the city, and shall hold his office for one year, and until his successor shall be elected and qualified. Clerk.
Term.

SEC. 8. The Attorney shall be elected by the Common Council of the city, and shall hold his office for one year, and until his successor is elected and qualified. Such election shall be made at the first meeting of an incoming Common Council, or at an adjourned meeting thereafter. Attorney.
Term.
Election when made.

SEC. 9. The Assessor shall be elected by the qualified electors of the city, and shall hold his office for one year, and until his successor is elected and qualified. Assessor.
Term.

SEC. 10. No person shall be eligible to the office of Mayor, Recorder, or other office, who is not a citizen of the United States, and who has not been a resident of the State for one year, and of the City of Marysville six months next preceding the election. Eligible to office.

SEC. 11. No person shall be eligible to the office of Alderman except while he is a resident of the ward for which he has been elected; and no person shall be elected to represent in the Common Council any other than the ward in which he resided at the time of the election. Aldermen.
Persons eligible to office of.

SEC. 12. No person shall be entitled to vote at any city election, or for any city officer, who is not a white male citizen, of the age of twenty-one years, or over, and who has not been a resident of the State six months, of the city thirty days, and of the ward in which he offers his vote at least ten days next preceding the election. *Provided*, That those who may remove with their families from one ward to another, immediately prior to such election, shall be entitled to vote in the ward to which they have removed. If any person, not having the legal qualifications of an elector, shall fraudulently vote, or fraudulently attempt to vote, at any election, such person, on conviction thereof, shall be fined in any sum not less than twenty nor more than two hundred dollars. If any elector shall vote more than once at any election, or shall knowingly hand in two or more tickets folded together, or shall attempt to vote more than once at the same election, he shall, on conviction thereof, be fined in any sum not exceeding five hundred Voters.
Fraudulent voting.
Penalty of.
More than one vote.

Fine or imprisonment.	dollars, or imprisonment in the county jail for any period not more than six months.
Election.	SEC. 13. The election for Mayor, Recorder, Alderman, Treasurer, Assessor, Clerk and Marshal, shall take place on the third Monday of March in each year. It shall be the duty of the Mayor,
When held.	at least ten days before such election, to issue his proclamation, designating the day of election, and the offices to be filled. A
Duty of Mayor.	copy of such proclamation shall be set up in some public place in each ward of the city, and shall be inserted in one or more newspapers published within said city.
General election laws apply.	SEC. 14. All the provisions of the laws of this State regulating elections and defining the power and duties of the officers thereof,
Exception.	shall apply to the election under this Act, except that two Inspectors and one Clerk shall be the only officers of election in each
Further exception.	ward in the city, who shall be appointed by the Common Council of the city, and except that the Common Council shall also designate the place of holding the polls in each ward.
Duty of Inspectors and Clerk.	SEC. 15. The Inspectors and Clerk of each ward shall deliver to the three persons receiving the highest number of votes in the ward, a certificate of election as Aldermen, and shall also transmit to the Clerk of the city a statement, showing the number of votes cast in the ward, and for whom the same were cast, with the number for each person.
Election returns	SEC. 16. The Inspectors of each ward shall, within five days after such election, make sealed returns to the Clerk of the city of the vote given for persons to fill the office of Mayor, Recorder, Treasurer, Clerk, Marshal, Assessor, and Attorney; such returns
When counted.	shall be opened and counted in the presence of the Common Council, and a certificate of election issued under their direction to the
Certificates of election.	person receiving the highest number of votes for each of these offices.
Duties, when entered upon.	SEC. 17. The Mayor, Aldermen, Recorder, Treasurer, Assessor, Clerk, and Marshal, shall enter upon their duties on the first Monday of April next ensuing to their election, and the Attorney shall
Attorney enter upon duty.	enter upon the duties of his office upon the Monday following his election.
Comm'n Council. First meeting of. Elect President and Vice do.	SEC. 18. The Common Council, at their first meeting after their election, and at any other meetings, when, from any cause it becomes necessary, shall elect, by ballot, a President and Vice President from their own body, and the President shall preside at all
President to act in absence of Mayor.	their meetings, when the Mayor is not present; and whenever there is a vacancy in the office of Mayor, or whenever the Mayor is absent from the city, or is unable, from sickness or from any other cause, to discharge the duties of his office, the President shall act as Mayor, and possess all the power and perform all the duties of the Mayor during such vacancy or disability. In the absence of the Mayor and President, the Vice President shall preside at all the meetings of the Council.
Vacancies.	SEC. 19. Whenever a vacancy shall occur in the office of Marshal, Recorder, Alderman, Treasurer, Clerk, Assessor, or Attorney, by death, resignation, removal, or otherwise, the Common
Special election.	Council shall forthwith order a special election to fill such vacancy, and shall give notice of the same by publication for not less than
Notice of.	ten nor more than twenty days, in one or more newspapers pub-

lished in said city; and it shall be the duty of the Mayor to issue his proclamation accordingly: the person so elected to fill any vacancy, shall hold his office for the residue only of the term of his predecessor; and until a Treasurer, Clerk, Marshal, Assessor, or Attorney, can be elected, the Common Council shall have the power to appoint some one to act temporarily as Marshal, Treasurer, Clerk, Assessor, or Attorney.

Proclamation of Mayor.
Term of office of person elected.

Temporary appointment.

SEC. 20. The Common Council shall have power to elect such inferior officers as they may deem necessary in the government of the city, and in all elections they shall vote by ballot.

Power of Common Council.

Ballot.

ARTICLE III.

SECTION 1. The Mayor and Aldermen of the City shall constitute the Common Council, which shall meet on the first Monday in April subsequent to the annual election, and the first Monday of each subsequent month in the year, and at such other times as they shall, by resolution, direct. The Mayor may call special meetings at any time, by written notice to each member, served personally, or left at his place of residence or business. At all meetings of the Common Council, the Mayor, when present, shall preside.

Common Council
Times of meeting

Special meetings
How called.

SEC. 2. A majority of the Aldermen of said city shall constitute a quorum for the transaction of business; but a smaller number may compel the attendance of absent members; and no tax or assessment shall be ordered, except by a vote of a majority of all the members elected.

Quorum.

Tax or assessment.

SEC. 3. In the proceedings of the Common Council, each member present shall have a vote, except the Mayor, who shall have only a casting vote when the vote of the other members are tied.

Casting vote.

SEC. 4. The Common Council shall determine the rules of their proceedings, and the qualifications and elections of their members.

Rules.

SEC. 5. The sittings of the Common Council shall be open to the public, except when the interest of the city shall require secrecy. A journal of their proceedings shall be kept by the Clerk under their direction, and the ayes and noes on any question shall be taken and entered on the journal at the request of any two members.

Sittings open to the public.
Exception.

Journal.

SEC. 6. The Common Council shall define the duties of the officers elected by them, whose duties are not herein prescribed, and shall determine the fees and salaries of the officers elected by them under this Act.

Define duties.

Determine fees.

SEC. 7. The Common Council shall have power within the city: First, To make by-laws and ordinances not repugnant to the Constitution and Laws of this State. Second, To levy and collect, for revenue purposes of the city, taxes on all property, real and personal, made taxable by law, for State purposes, not exceeding one and a half per centum per annum upon the assessed value of such property. *Provided*, That all real estate within the city limits used expressly for farming purposes, and known as suburban lots, shall be exempt from paying city taxes. Third, To levy and collect, in addition to the general tax, a special tax for school purposes of twenty-five cents for every hundred dollars' worth of real and personal property within the city made taxable by this Act.

Common Council

Powers of.

Proviso.

Special tax for schools.

Amount of.

Special tax, amount of.	Fourth, To levy and collect a special tax, not exceeding fifty cents on the one hundred dollars in each year, on all property, real or personal, in said city, made taxable by this Act, for the payment of all interest moneys, on any or all sums of money borrowed by virtue and authority of and in accordance with the provisions of this Act.
To pay interest moneys.	
Special tax.	Fifth, To make special assessments of taxes for altering, widening, filling up, grading, graveling, or otherwise improving any street, alley, or public ground of the city, amounting to the whole cost of such improvements, upon the real property situated upon either side of the street, alley, or public ground to be improved, according to the benefit to accrue thereby to such property, to be computed
Purpose of.	
Amount of.	
How computed.	by three persons chosen by the Common Council for that purpose, and who, before entering upon their duties, shall be sworn to make such computation faithfully and impartially, and shall make their report to the Common Council in writing, under their hands, and the concurrent report of any two of whom may be received as final in the premises. <i>Provided</i> , That the owners of two-thirds of the real estate on both sides of any street, alley, or public ground, shall petition the Common Council for such improvement.
Proviso.	Sixth, To provide for the draining, grading, paving, improvement, repairs, and lighting of three streets, and the construction of the sidewalks, drains, and sewers, and keeping the same in repair, and the cleaning of drains and sewers, and the prevention and removal of obstructions on the sidewalks, and on all streets and public grounds of the city, at the charge of the city, and also to provide for the owners of the land on both sides of any street, alley, or public grounds in said city, keeping in good condition and repairs at their own charge and expense, all sidewalks now constructed, or hereafter to be constructed, in such manner as the Common Council may direct, and to provide for enforcing such repairs.
Provide for improvement, repairs, &c., of streets, side- walks, &c.	Seventh, To grade the banks of the Yuba and Feather rivers, so as to facilitate the discharge of merchandize from steamers, vessels, and boats.
Grade banks of rivers.	Eighth, To regulate the landing and stationing of steamers, vessels, and boats, and to fix and collect a revenue tax for landing and mooring the same within the city limits, whether on private or public property.
Landing of boats, &c. Revenue tax.	Ninth, To provide for the removal of obstructions to navigation in the Yuba river, from the mouth to the upper landing, at the public plaza; to remove snags or beds of gravel or other obstructions, and otherwise improve the navigation of the said river from the mouth to the foot of "A" street, when the same does not exceed the sum of two thousand dollars, and when the estimated cost of any improvement of said river, within said boundaries, exceeds said sum, then appropriation shall be submitted to the people, after twenty days' published notice of the same in a public newspaper published in the city, and if two-thirds of all the votes cast at such election be in favor of such proposition, the Common Council shall authorize the appropriation of the moneys, or the pledging of city securities, contemplated by the proposition upon which the vote is ordered.
Obstructions to navigation. Removal of.	Tenth, To provide for the prevention and extinguishment of fires, and to organize and establish fire companies, and to fix and enlarge at any time the fire limits of said city.
Cost of.	Eleventh, To regulate the storage of gunpowder, tar, pitch, and rosin, and other extremely combustible material, and to fix fines and penalties for the violation of all such regulations.
Appropriation.	Twelfth,
Fires and Fire Companies.	
Gunpowder.	

To establish and regulate a city police, and fix the rates of pay thereof, provided the same shall not exceed one hundred dollars per month to each policeman, and one hundred and fifty dollars per month to the Captain of Police. Thirteenth, To provide by ordinances for the prevention and restraint of any riot or disorderly assemblage in any street or place in the city. Fourteenth, To provide by ordinance for the prevention and removal of nuisance. Fifteenth, To impose and appropriate fines, forfeitures, and penalties for the breach of any ordinance, and to provide for the punishment of breaches of the ordinances; but no fine shall be imposed of more than five hundred dollars, and no offenders shall be imprisoned or sentenced to labor in the chain gang for a longer term than three months. Sixteenth, To provide ordinances for the removal from the immediate vicinity of the inhabited or other parts of the city, all slaughter-houses, hogpens, haystacks, brick-kilns and yards, forges, blacksmiths' shops, butcher-stalls, fish and meat markets. Seventeenth, To provide for the licensing and regulation of auctioneers, taverns, bar-rooms, billiard tables, bowling alleys, theatrical and other exhibitions, shows and amusements. *Provided*, No license tax shall be assessed by the Common Council of said city, for any hotel, tavern, public house, or bowling alley, exceeding for each, twenty dollars a month. Eighteenth, To provide by ordinance for the licensing, taxing, regulating, prohibiting and suppression of tippling houses, dram-shops, gaming and gambling-houses, hawkers and peddlers, and pawnbrokers, and street and stand venders, and for the suppression of disorderly houses and houses of ill-fame, and dance-houses and houses of assignation. Nineteenth, To provide for the erection of all public buildings for the use of the city. Twentieth, To establish a city hospital, and provide for the support of the indigent sick. Twenty-first, To construct a bridge across the Yuba river, at the southern extremity of the public plaza, or east of the public plaza, or to authorize the construction, upon such terms as to a division of the proceeds from its tolls may be just, and to regulate the rates of tolls. Twenty-second, To borrow money upon the faith and credit of the city; but no loan shall be made for a sum exceeding five thousand dollars, including the amount of any previous indebtedness, without the consent to such loan of the electors of the city previously obtained. Twenty-third, If the Common Council desire to take stock in any public improvement, of a municipal character, or effect a loan for any purpose for a sum exceeding five thousand dollars, they shall submit a proposition for taking such stock or effecting such loan, stating the amount of loan or stock, to the electors of the City of Marysville, at a special election, to be held for the purpose, upon the Common Council giving twenty days' published notice of the same; and if two-thirds of the electors vote in favor of such proposition or propositions, the Common Council shall have power to effect such loan, or take such stock, but not otherwise, and pledge the faith of the city for the payment of such loan or stock. Twenty-fourth, To appropriate money for any item of city expenditure, and to provide for the payment of any debts and expenses of the city. Twenty-fifth, To compel the attendance of absent members; to punish its members for disorderly conduct; and to expel members, with the concurrence of two-thirds of the members elected.

City Police.
Pay.

Riots.

Nuisance.
Breach of
ordinance.

Hogpens, &c.

Taverns, &c.

Proviso.

Certain houses.

Public buildings
City hospital.

Bridge.

Borrow money.

Effect loans.

Conditions.

Appropriate
money.

Compel attend-
ance.

City Pound.	Twenty-sixth, To provide by ordinance for the establishment of a City Pound, for the impounding of all animals prohibited from running at large, by ordinance, in said city, and to provide for the sale of such animals, and to discharge all fines and charges thereon.
Private property	SEC. 8. Whenever it shall become necessary for the Common Council to take private property for the purpose of laying out, altering, or widening any streets, alleys or public grounds in the city, they may direct proceedings to be taken to ascertain the value of such property and the compensation to be made to the owner or owners thereof, and the assessments to be levied for the payment of the same.
Manner of determining value, compensation, etc., etc.	SEC. 9. In order to determine such value and compensation, and such assessment as aforesaid, a petition, in the corporate name of the city, shall be presented to the Board of Supervisors in and for Yuba County, clearly designating the property to be taken, praying the appointment of Commissioners to ascertain the compensation and assessments as aforesaid, so to be made thereon; notice must be given to all persons interested of the intended application, and of the time and place at which it will be presented, by publications in one or more newspapers published in the said City of Marysville, at least three times a week for four weeks prior to the hearing of said application; the said notice shall be addressed generally, "To all whom it may concern," and shall contain an accurate specification of the property so sought to be taken and assessed, the purpose or purposes for which it is intended, and the time and place of the hearing of the said application, for the appointment of Commissioners as aforesaid. The service of the said notice shall be complete, whenever and as soon as the same shall have been published in the manner above provided.
Notice given.	
What contain.	
Supervisors.	SEC. 10. The Board of Supervisors, upon proof that the notice mentioned in the preceding section has been given, shall appoint three disinterested persons as Commissioners, the concurrent report of any two of whom shall be deemed final in the premises, to ascertain and report the value of property to be taken, and the compensation, if any, to be made to the owner or owners thereof, and the assessments to be levied therefor. The Commissioners shall be sworn to discharge their duties faithfully and impartially. They shall view the premises and ascertain and certify under their hands the value of the property to be taken, and shall particularly describe such property. In estimating such compensation or assessment, the said Commissioners shall take into consideration the benefits and advantages to accrue to the owner or owners of the said property by means of the proposed improvements, as well as the injury he or they may sustain by the taking of the said property, and after fairly weighing the said advantages and disadvantages, shall report the amount of money, if any, to be paid to, or by such owner or owners, as a compensation for the damages to be sustained by, or the benefits to be derived from the proposed improvements. Their report, or a report of a majority of them, shall be filed with the Board of Supervisors in and for the County of Yuba. The Commissioners, upon filing such report, and upon tender and deposit in the treasury of the city of the amount of compensation so found and reported by the said Commissioners to be due to the owner or owners of the said property, which shall remain in the
Appoint Commissioners.	
To be sworn.	
Injury, and compensation for.	
Copy of report recorded.	

said treasury subject to the order of any or all persons entitled thereto, shall direct the report to be entered upon their minutes, and a certified copy thereof to be recorded in the Recorder's Office of Yuba County, and thereupon the corporation shall be entitled to enter upon, use and occupy the property as fully as if conveyed by the owner or owners thereof.

ARTICLE IV.

SECTION 1. It shall be the duty of the Mayor: First, To communicate to the Common Council, quarterly, a general statement of the situation and condition of the city in relation to its government, finances and improvement. Second, To recommend to the Common Council the adoption of all such measures as he shall deem expedient, relative to the police, security, health, cleanliness and ornament of the city and the improvement of its government. Third, To be vigilant and active in causing the by-laws and ordinances of the Common Council to be duly executed and enforced. Fourth, To exercise a constant supervision and control over the conduct and acts of all subordinate officers, and to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty. Fifth, To preside over the Common Council when present at their sittings. Sixth, To maintain the peace and good order of the city, and generally perform all such duties as may be prescribed by this Act, and the ordinances of the Common Council, and the laws of this State.

Duty of Mayor.
First.

Second.

Third.

Fourth.

Fifth.

Sixth.

SEC. 2. Every ordinance or resolution which shall have been passed by the Common Council, shall, before it becomes effective, be presented to the Mayor for his approbation; if he approve, he shall sign it; if not, he shall return it with his objections in writing to the Common Council, who shall cause the same to be entered upon the journal, and shall proceed to reconsider the same. If after such reconsideration, two-thirds of the members of such Common Council elect shall agree to pass the same, it shall become an ordinance, or resolution, as the case may be; in all cases the vote shall be taken by ayes and noes, and the names of the members voting for and against the same shall be entered upon the journal of the Common Council. If any ordinance or resolution shall not be returned by the Mayor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become effective, as if the Mayor had signed it.

Every ordinance to be approved and signed by the Mayor.

Objections in writing.

Reconsider.

Two-thirds vote.

Manner of vot'g.

Vote entered on the journal.

SEC. 3. The Mayor shall receive for his services such salary or compensation as may be allowed by the Common Council, not exceeding in any case the sum of six hundred dollars per annum.

Salary of Mayor.

SEC. 4. It shall be the duty of every Alderman of the city, to attend the regular and special meetings of the Common Council, to act upon committees, when duly appointed, to report to the Mayor all subordinate officers who are guilty of a violation, or neglect of duty, and to aid the Mayor in maintaining the peace and good order of the city, and in enforcing the by-laws and ordinances of the Common Council.

Duties of Aldermen.

SEC. 5. The Aldermen shall not receive any salary or compensation for their services, unless a proposition to allow them salary or compensation, specifying the amount thereof, be first submitted to the electors of the city, and be approved by them. Such propo-

Compensation.

- sition shall be published in one of the newspapers of the city at least one month previous to the day on which the vote of the citizens shall be taken thereon. If a majority of the persons voting, vote in favor of the proposition, then the salary or compensation specified therein may be allowed, but not otherwise. *Provided*, That such compensation or salary of each Alderman shall not exceed five dollars for each day's attendance at the meetings of the Common Council.
- Proviso.**
- Duty of Marshal** SEC. 6. It shall be the duty of the City Marshal to execute, within the city, and return all process issued and directed to him by the Recorder, Justices of the Peace, and other legal authority within the city, to arrest all persons guilty of a "breach of the peace," or of a violation of any ordinance of the Common Council, and take them before the Recorder, or other legal authority within the city; to collect the taxes of the all licenses, wharfage or landing dues, or other taxes or assessments, and pay all moneys received into the City Treasury in pursuance of the ordinance of the Common Council; to supervise and control the City Police; to attend the sittings of the Common Council; to discharge the duties of Chief of Police, and perform such other duties whilst in attendance upon their sittings as may be directed by them, and to perform such other duties as may be prescribed by resolution or ordinance of the Common Council.
- Compensation.** SEC. 7. The City Marshal shall receive for his services, such fees and compensation as the Common Council may prescribe, but the same not to exceed the fees allowed by law to Sheriffs for like services. *Provided*, he shall always charge and collect, in levying for unpaid taxes, only one levy against any one person, or the property assessed to any one person; and for the collection of all moneys due the city, he shall receive one and one-half of one per centum of all sums collected and paid into the City Treasury. *Provided*, That upon all licenses, wharfage and landing dues collected and paid over, he shall receive three per cent.
- Proviso.**
- Recorder.** SEC. 8. The Recorder shall have jurisdiction over all violations of city ordinances, and may hold to bail, fine, or commit to prison or the chain-gang, in accordance with the provisions of such ordinances, offenders; of all proceedings for the recovery of any penalty, fine or forfeiture imposed by ordinance. *Provided*, The amount thereof shall not exceed five hundred dollars. Of all cases of misdemeanor, and wilful injury to property, committed within the city limits, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding three months; and shall have final jurisdiction in all cases of petit larceny, and of assault and battery, not charged to have been committed on a public officer, or with an intent to commit a felony. *Provided*, In all such cases the defendant shall have the right of trial by jury. He shall exercise the powers of a Justice of the Peace in regard to public offenses committed within the city limits; subject to all the rules governing Justices of the Peace, in the aforesaid cases; he may issue all writs and process, and administer all oaths necessary to the exercise of the jurisdiction hereby conferred. The place of holding said Recorder's Court shall be designated by ordinance. The Recorder shall receive for his services a salary of two thousand dollars per annum, payable quarterly, and all moneys collected by him for fines
- Jurisdiction of.**
- Proviso.**
- Proviso.**
- Powers of Justice of Peace.**
- Salary.**

and fees, shall be paid by him into the City Treasury at the end of each week. The Marshal, or other peace officer, for making an arrest under a warrant, may receive two dollars, together with twenty cents for every mile necessarily traveled by him in rendering such service, and in taking the prisoner before a Court or Magistrate, or carrying him to prison. For serving a subpoena, fifty cents, with twenty cents for every mile necessarily traveled in making such service. Whenever the Marshal, or other peace officer mentioned in this Act, receives a salary from said city, he shall account for, and pay over to the Treasurer of said city, all fees collected by him under this Act for services as such peace officer. *Provided*, That nothing in this section shall be construed in such a manner as to diminish the salary of the Recorder, until the next general city election.

Arrests.

Subpoenas.

Fees to be paid into Treasury.

Provido.

SEC. 9. It shall be the duty of the City Treasurer to receive all moneys belonging to the city; to keep an account of all receipts and expenditures, in such manner as the Common Council shall direct; and he shall, whenever required by resolution of the Common Council, present to them a full account of such receipts and expenditures, for any period designated in the resolution. All moneys drawn from the City Treasury, shall be drawn in pursuance of an order of the Common Council, by warrant signed by the Clerk and countersigned by the Mayor or President of the Council, and such warrant shall specify for what purpose the amount designated therein is to be paid. The City Treasurer shall receive as compensation for his services, one per cent. upon all sums of money actually received from the revenue of the city by him, except upon any amount or amounts that may be borrowed upon the faith and credit of the city. The City Treasurer shall discharge such other duties, without further compensation, as may be required by law, or any ordinance of the Common Council.

Duty of Treasurer.

Compensation

Other duties

SEC. 10. It shall be the duty of the Clerk of the city to keep the corporate seal, and all the papers and documents belonging to the city, and file them in his office under appropriate heads, and to act as Clerk of the City Recorder, to attend the sittings of the Common Council, and keep a journal of their proceedings and a record of all their by-laws and ordinances, to sign all warrants and licenses issued in pursuance of the orders and ordinances of the Common Council, and affix the corporate seal to such licenses; to keep an accurate account in a suitable book, under the appropriate heads of expenditures, of all orders drawn on the treasury, and all warrants issued in pursuance thereof; also to keep an account in an appropriate book of all the licenses issued, with the name of the persons to whom issued, the date of their issue, the time for which the same was granted, and the sum paid therefor; and to make out the duplicate assessment roll for said city. To give all notices of meeting of the Council or Committees, when required, and do such other duties as may be required by law, or any resolution or ordinance of the Common Council.

City Clerk. Duties of

SEC. 11. It shall be the duty of the City Assessor to prepare, before the first Monday in August in each year, a list of all the taxable property, real and personal, within the city, with a valuation thereof, and a list containing the names and occupation of all

Assessor, duties of.

Supplementary list.	residents within the city who are tax payers, and furnish the same to the Common Council; which list, subject to the approval and correction of the Common Council, shall be the assessment roll and basis of taxation for said city. It shall be the duty of said Assessor, after said first day of August, to prepare a supplementary list, and furnish the same in like manner to said Council, within ten days after the reception of said list or said supplementary list; the Common Council shall hold one or more meetings for the correction of any errors in the said assessment, of which meeting notice shall be given in one of the newspapers published in said city, of at least five days, and no assessment roll shall be delivered to the Marshal for the collection of the taxes, until such meeting or meetings shall have been held. The Assessor, in making the assessments for said city, shall have authority to administer an oath or affirmation to all persons owning or having property within said city subject to taxation, and it shall be the duty of said Assessor to administer an oath or affirmation to every male inhabitant over the age of twenty-one years residing within said city, and to every other person whom he shall have cause to believe to be the owner, or have possession or control of any taxable property in said city, as to the amount, valuation, nature and character of the property owned, held, and possessed by him or her, or under their control. The Assessor of the city shall receive for compensation for his services, the sum of one thousand dollars per annum.
Council to correct errors.	
Assessor.	
Duty of.	
Salary.	
Compensation of Clerk.	SEC. 12. The Clerk of the city shall receive for his services such compensation as may be allowed by the Common Council, not to exceed the sum of twenty-five hundred dollars per year, and shall receive no other compensation or reward for any services required of him as such Clerk.
City Attorney.	SEC. 13. It shall be the duty of the City Attorney to attend to all actions and proceedings wherein the city is a party or interested; to give his advice and opinion, in writing, whenever required by the Mayor or Common Council; to draw up all contracts or instruments to which the city is a party; and to perform such other services connected with his profession as an attorney, as may be required by the Common Council. The City Attorney shall receive for his services, such compensation as may be allowed by the Common Council, not to exceed one thousand dollars per annum, and shall receive no other compensation for any service rendered for said city.
Compensation.	

ARTICLE V.

Fiscal year.	SECTION 1. The fiscal year of the city shall commence on the first day of April of each year; the lien of the city for taxes for municipal purposes, shall attach on all real and personal property on the first day of May, annually, and such lien, to the absolute exclusion of other liens, shall continue until all such taxes thereon shall be paid.
Lien.	
Continuance of.	
Levy of taxes.	SEC. 2. Every assessment and every levy of taxes duly made for any purpose, in conformity with the spirit and provisions of this Act, shall remain as a judgment and lien, and have the force and effect of an execution against the party and property liable for the same. And the Marshal is hereby empowered and required to

seize and sell at any time, except as provided in the following section. Whenever any assessment or tax, for any purpose, are due and unpaid, any property on which the assessment or taxes shall not have been paid, by giving ten days' notice in the official newspaper published within said city, designating the time and place of sale, and the name of the owner of such property when known, and when not known, stating such fact, as also a description of the property so seized, and where situated, which said notice shall also be posted in three public places in the ward where the property is situated. If said property be real estate, it shall be sold at the City Hall, between the hours of ten, A. M., and four o'clock, P. M.; and if personal property, it shall be sold between the same hours in the ward where it was so seized. The purchaser or purchasers of all or any property sold for the payment of any assessment or tax, levied under this Act, shall acquire and enjoy all the rights and privileges which are given by the laws of this State to purchasers of real and personal property under the Sheriff's sale for the payment of delinquent taxes, except as otherwise provided in this Act. The City Marshal shall have the power in collecting any assessments and taxes, and in selling real or personal property of defaulting or delinquent tax-payers, as are now possessed by the Sheriff in collecting State and County taxes, and shall receive the same compensation as the Sheriff for similar services, except as otherwise provided by this Act.

Marshal to seize and sell.

Notice.

Real estate, where sold, and when.

Personal property. Purchaser.

City Marshal.

Compensation.

SEC. 3. Real estate shall not be sold for the payment of the general tax levied under the provisions of subdivision two of Section one, of Article three of this Act, before the third Monday of October in each year.

Real estate, when sold.

SEC. 4. Upon the passage of all resolutions and ordinances, appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and nays shall be entered upon the journal.

Ayes and noes.

SEC. 5. A majority of the members elected shall be necessary to pass a resolution or ordinance appropriating, for any purpose, the sum of five hundred dollars and upwards, or an ordinance in anywise increasing or diminishing the city revenue.

Vote of majority.

SEC. 6. All resolutions or ordinances calling for the appropriation of any sum of money exceeding one thousand dollars, shall lay over for the space of one week, and be published in the official newspaper printed in the city.

Appropriations.

Notice of.

SEC. 7. The style of the city ordinance shall be as follows: "The Common Council of Marysville do ordain as follows." All ordinances shall be published in the official newspaper published in the city.

Style of ordinances.

SEC. 8. The right to establish, license and control all ferries and bridges across the Yuba River, from the mouth of said river up the same so far as the corporate limits of the City of Marysville extend, is hereby granted to, and vested in, the corporate authorities of said city.

Rights.

SEC. 9. The Fire Department of the city shall at no time be allowed more than ten companies. All Acts and parts of Acts in conflict with this section, is hereby repealed.

Fire Department

SEC. 10. There shall be selected by the Common Council, annu-

City Printer. Duty of.	ally, a City Printer, who shall publish, (excepting at his option on Sundays,) a daily newspaper in said city, with whom the Common Council shall contract for all of the city printing required to be paid by the said city. It shall be the duty of said City Printer to publish all ordinances, resolutions, contracts, notices and advertisements, or other matter required by law, or by any ordinance or resolution of said Council, to be printed or published. It shall further be the duty of said City Printer, to publish all advertisements and notices for the sale of all property, for all taxes and assessments, and no charges shall be made therefor against the property so advertised, or the owner thereof, by any officer or person whatsoever. The City Printer shall receive for such services of printing and publication, and for labor and materials furnished by him, such sum, to be paid quarterly, as the Common Council may contract for. <i>Provided</i> , The Common Council shall have no power to contract for a greater sum than three thousand dollars per year.
Compensation.	
Proviso.	
Persons interested.	SEC. 11. In every proceeding prescribed by this Act for the taking of private property for public purposes, all persons interested may be joined in the same petition to the Board of Supervisors for the appointment of Commissioners as aforesaid, and may be joined and proceeded against jointly in every other stage of said proceedings until the full and final determination of the same.
Joint proceedings.	
Duty of Common Council.	SEC. 12. It shall be the duty of the Common Council to provide for the accountability of all officers and other persons elected by them, or the qualified electors of the city, to whom the receipts and expenditures of the funds of the city shall be intrusted, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering upon the discharge of their respective duties; in case such security becomes insufficient, additional security may be required, and if not given, the Common Council, by a vote of two-thirds of the members, may declare the office vacant, and elect another person to supply the vacancy.
Security, when given.	
Duty of Common Council.	SEC. 13. It shall be the duty of the Common Council to publish in one or more newspapers printed in the city, one month before the annual election of the city officers in each year, for the general information of the citizens of Marysville, a full and detailed statement of the receipts and expenditures of the city during the year ending on the last day of the month previous to that on which the publication is made, and in every such statement, the different sources of the city revenue and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of moneys expended under each, the moneys borrowed on the faith and credit of the city, the authority under which each loan was made, and the terms on which it was obtained, shall be clearly and particularly specified.
Common Council Funding Commissioners.	SEC. 14. The Common Council shall have power to authorize the Funding Commissioners of the city of Marysville, created by an Act entitled an Act to provide for Funding the Floating Debt of the City of Marysville, and for the extinguishment thereof, and other purposes, (approved February 8, 1856,) to issue duplicate

bonds in lieu of any bonds issued under any Funding Act, for all bonds that may have been destroyed by fire or otherwise without the wilful act or negligence of the owner or holder thereof. *Provided*, No such authority shall be given to said Funding Commissioners, unless the destruction of such bond or bonds shall have been proved to the satisfaction of said Common Council, and unless the owner or holder of such bond or bonds shall give good and sufficient indemnity to the Mayor and Common Council of the City of Marysville, to be approved of by the Common Council, to indemnify said city against any liability on such bond or bonds so duplicated. The duplicate bonds issued under this section shall have coupons attached thereto for the interest only thereafter to become due; and such duplicate shall provide for the payment of the amount therein expressed only in case the original bond is unpaid and unliquidated.

Duplicate bonds in lieu of.

Proviso.

Indemnity.

Coupons.

SEC. 15. It shall not be lawful for the City Clerk of said city, or other authorities, to draw any warrant upon the treasury, without there being actually cash therein at the time, liable for and sufficient to meet the warrants so drawn. Any violation of this section shall be deemed a felony, and upon conviction thereof, the party or parties so offending shall be subject to a fine of not less than five thousand dollars, nor more than ten thousand dollars, or imprisonment in the State Prison for a term of not less than one year nor more than five years, at the discretion of the Court.

When unlawful to draw warrants.

Felony, punishment of.

Imprisonment.

SEC. 16. After the first day of July, one thousand eight hundred and fifty-seven, the Common Council of said city, except by a submission to the electors of said city, as hereinbefore provided for, shall not contract, create, or incur any debt or liability that shall separately or in the aggregate, with any previous debt or debts, liability or liabilities, contracted, created, or incurred after the said first day of July, A. D. 1857, exceed the sum of five thousand dollars. And all such debts and liabilities, contracted, created, or incurred, contrary to the provisions of this section, shall be absolutely *null and void*, and of no force and effect against said city, but may be enforced against the members of the Common Council voting for the same, as their individual debt.

Common Council not contract debts to exceed \$5,000

SEC. 17. The Act entitled "An Act to incorporate the City of Marysville," approved March 5th, 1855, (except Section seven of Article five of that Act,) and an Act supplementary to and amendatory thereto, passed April 19th, 1855, and an Act entitled "An Act supplementary to "An Act to incorporate the City of Marysville," approved April 28th, 1855, and an Act entitled "An Act to increase the number of Fire Companies in the City of Marysville," approved March 29th, 1856, and an Act amendatory of and supplementary to an Act entitled "An Act to incorporate the City of Marysville," approved April 18th, 1856,—are hereby repealed. *Provided, however*, that all rights acquired under the said Acts are hereby saved and continued. *And provided moreover*, That the officers now in office shall not be affected during their present term of office, by the reduction of salaries herein provided.

Acts repealed.

Proviso.

CHAPTER LV.

AN ACT

Concerning Lawful Fences in the County of Contra Costa.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Lawful fences.

SECTION 1. Every fence shall be deemed a lawful fence, which is constructed of stone, rails, poles, lumber, or other wooden material, or of iron, or wire, and built five feet high from the ground; and every fence shall be deemed lawful, which is constructed on the embankment of a ditch, which ditch is four feet wide at the top, three feet deep, and eighteen inches wide at the bottom,—the fence on said embankment to be two and one-half feet high, and composed of posts firmly set therein, with at least two lateral poles, rails, plank, or boards, or other sufficient material, well fastened on, or composed of piqueting, or otherwise, of the required height; all the material for all such fencing to be substantial, and built strong and reasonably close, for the purpose of turning swine, sheep and goats.

SEC. 2. Nothing in this Act shall be construed so as to apply to any county in this State, except Contra Costa County.

Repeal.

SEC. 3. All Acts and parts of Acts conflicting with the provisions of this Act, are hereby repealed, so far as relates to the County of Contra Costa.

CHAPTER LVI.

AN ACT

To extend "An Act concerning Hogs found Running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara," approved April 21st, 1856.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Act extended.

SECTION 1. The Act concerning hogs running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanis-

laus, Yuba and Santa Clara, approved April 21st, 1856, is hereby ^{Made applicable} extended to, and made applicable to, the Counties of Yolo, San Mateo, Santa Cruz, San Joaquin, San Bernardino, Sutter, Santa Barbara, San Luis Obispo, Los Angeles and Tuolumne.

CHAPTER LVII.

AN ACT

To amend "An Act to incorporate the City of Monterey," approved May 11th, 1853.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventh of said Act, to incorporate the City of Monterey, is hereby amended so as to read as follows:

Section seventh. Whenever the Trustees deem it proper to sue ^{Trustees.} for the recovery of property of the city, or to prevent waste thereon, or to defend actions, they may make contracts and agreements for that purpose, with attorneys and other persons, and the Trustees may contract and agree with any person or persons claiming title to property also claimed by the city, for a compromise and settlement of conflicting claims, and may make and receive all contracts, transfers, and conveyances for that purpose. The Trustees may also pay for the expenses of prosecuting the title of the city, ^{Powers.} before the United States Land Commissioners, and before the United States Courts, and for that purpose, may sell and transfer any property, right or franchise, upon such terms and for such price as may by them be deemed reasonable.

SEC. 2. Another section is added to said Act, to read as follows: ^{Section added.}

Section fourteenth. The Trustees within said city shall have ^{Trustees have power.} power to prevent nuisances, to regulate the slaughtering of cattle, and to levy and collect license taxes, for the purpose of repairing and opening streets; such license not to exceed one dollar per month for any one person, for one kind of business; and also to regulate and restrict the running at large of hogs.

SEC. 3. Another section is added to said Act, to read as follows:

Section fifteenth. The authorities of said city shall not contract ^{Authorities not to contract debt.} any debt by borrowing money, loaning credit, or otherwise, which of itself or in the aggregate, with any previous outstanding debt or debts, shall exceed the sum of five thousand dollars.

CHAPTER LVIII:

AN ACT

To amend an Act entitled "An Act to incorporate Crescent City," passed April 13th, 1854.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section third of Article third of "An Act to incorporate Crescent City," is hereby amended so as to read as follows:

President and Council.

Section third. The President and Council shall have power—

First, To make by-laws and ordinances not in conflict with the Constitution and laws of the United States, or this State; to prevent and remove nuisances, and provide for licensing and regulating theatrical and other amusements in the city; to provide for licensing of any business not prohibited by law, and to apportion such licenses according to the capital invested.

Powers.

Second, To open, construct, grade and repair streets, alleys and sidewalks, at the expense of persons owning property on such streets or alleys. *Provided*, That the owners of two-thirds of such property shall petition the Council to have such streets, alleys or sidewalks opened, constructed, graded or repaired.

Proviso.

Obstructions.

Third, To have obstructions removed from streets or sidewalks, at the expense of property holders.

Markets.

Fourth, To establish markets, improve and appropriate the commons belonging to the city for the use and benefit of the inhabitants.

Fines.

Fifth, To impose and appropriate fines, penalties and forfeitures for breaches of ordinances. *Provided*, That no fine be imposed of over five hundred dollars, and no offender imprisoned over three months.

Taxes.

Sixth, To levy and collect taxes. *Provided*, such taxes shall not exceed one-half of one per cent. per annum, of the assessed value, except for opening, constructing, grading and repairing streets, alleys and sidewalks, as herein otherwise provided; to establish a police, and pass such other by-laws and ordinances, as they may deem necessary.

Police.

Vacancies.

Seventh, To fill, by appointment, any vacancy that may occur by death, resignation or otherwise, of any of said Councilmen. *Provided*, That in case a majority of the Councilmen elected in accordance with the provisions of this Act, should resign, or their office become vacant in any way whatever. Then the County Judge shall order an election to fill such vacancies.

Election.

CHAPTER LIX.

AN ACT

To change the Name of Edward C. Higginbottom, to Edward Compton Howard.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the person hitherto named and called Edward C. Higginbottom, to change his name to that of Edward Compton Howard. Name changed.

CHAPTER LX.

AN ACT

To reduce the Salary of the County Judge of El Dorado County.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The salary of the County Judge of El Dorado County, shall be three thousand dollars per annum.

SEC. 2. Nothing in this Act shall be so construed as to affect the salary of the present incumbent.

SEC. 3. All Acts and parts of Acts, in any way inconsistent with the provisions of this Act, are hereby repealed, so far as the same may be applicable to El Dorado County. Repeal.

CHAPTER LXI.

AN ACT.

In addition to, and explanatory of, "An Act for Securing Liens to Mechanics, and others," approved April 19th, 1856.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Liens recorded

*Repealed
178. 1857*

SECTION 1. Every lien filed and recorded, under and in accordance with the provisions of the Act entitled "An Act for securing Liens to Mechanics, and others," approved April 19th, 1856, shall have preference, as in the said Act specified and provided, over every lien created by mortgage, or other conveyance or incumbrance whatsoever, which shall not have been duly recorded in the office of the County Recorder of the county wherein the premises are situated prior to the time when the work was commenced or the material furnished, as in the said Act specified and mentioned. *Provided*, That in order to obtain a preference over a mortgage or other conveyance, notice of intention to hold such lien shall be recorded at the time such work was begun, or such material was furnished.

Proviso.

CHAPTER LXII.

AN ACT

To amend an Act entitled "An Act to authorize certain Officers and other Persons to administer Oaths," passed January 27th, 1853.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of said Act is amended so as to read as follows:

Persons specified

Section two. The Chairman, or any member, of a Standing Committee, or the Chairman of any Select Committee, of either the Senate or Assembly, or of any Joint Committee, shall be empowered to administer oaths or affirmations to witnesses in any matter under their examination; and any "person" testifying falsely in such examination, shall be guilty of perjury.

Oaths.

Perjury.

CHAPTER LXIII.

AN ACT

Relative to the Board of Supervisors of Santa Barbara County.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Supervisors of the County of Santa Barbara, ^{Supervisors.} shall have power to order, in their discretion, the publication or printing, either in a newspaper or otherwise, of all such matters ^{Order publica-} required by law to be ordered published by them. ^{tion.}

SEC. 2. All laws and parts of laws contrary to the provisions ^{Repeal.} of this Act, are hereby repealed, as far as the County of Santa Barbara is concerned.

CHAPTER LXIV.

AN ACT

To authorize the State Treasurer to issue to Milton Wolfskill a Duplicate School Land Warrant.

[Approved March 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Treasurer of State is hereby authorized to ^{Number and} issue two School Land Warrants, for one hundred and sixty acres ^{date.} each, to Milton Wolfskill, to be numbered two hundred and sixty and two hundred and sixty-one, bearing date twentieth day of July, one thousand eight hundred and fifty-two, and the word "duplicate" to be written across the same.

SEC. 2. The said "Duplicate Land Warrants" shall be of the ^{Same force and} same force and effect, and any location under the same shall be of ^{effect.} the same validity as the original land warrants and the location thereof could be, provided the same had not been lost or destroyed. ^{Proviso.} And, ^{Original.} provided, if the said original Land Warrants, numbered two hundred and sixty and two hundred and sixty-one, issued to Milton Wolfskill under the Act of May the third, eighteen hundred and

fifty-two, shall hereafter be found or produced from the hand of any *bona fide* assignee of the same Milton Wolfskill, then the duplicate warrants granted by this Act shall have no force, effect, or validity whatever. *Provided*, That before the issuance of such Duplicate Land Warrants, the said Milton Wolfskill shall execute and deliver to the Treasurer, a bond, with good and sufficient sureties, in the penal sum of six hundred and forty dollars, conditioned to be paid if the originals shall ever be located or presented for payment.

CHAPTER LXV.

AN ACT

Amendatory of "An Act amendatory of an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, passed March thirteenth, one thousand eight hundred and fifty-three," passed May 13th, 1854.

[Approved March 5, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act amendatory of "An Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, is hereby amended so as to read as follows:

Foreigners.

No person, not being a citizen of the United States, or who shall not have declared his intention to become such, prior to the passage of this Act, (California Indians excepted,) shall be allowed to take gold from the mines of this State, unless he shall have a license therefor, as hereinafter provided.

Not to mine
without license.

CHAPTER LXVI.

AN ACT

To separate the Office of Collector of Taxes from the Office of Sheriff, in the County of Butte.

[Approved March 5, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the first Monday of March, A. D. Separate office. 1858, the office of Collector of Taxes in the County of Butte, shall be separate from the office of Sheriff.

SEC. 2. At the next general election, there shall be elected in Collector of Taxes. said county, a Collector of Taxes, who shall enter upon the duties of his office on the first Monday of March, A. D. 1858, and shall Term of office. hold his office for two years, and until his successor is elected and qualified.

SEC. 3. All duties and liabilities heretofore imposed upon the Duties. Sheriff of said county as Collector of Taxes, shall attach to the office hereby created, and the Collector of Taxes, elected under the provisions of this Act, shall give such bond or bonds as now by Bond. law are required to be given by the Sheriff as Collector of Taxes and Foreign Licenses, to be approved in the same manner.

SEC. 4. The Collector of Taxes elected under the provisions of Duties specified. this Act, shall collect all State and County taxes, all Foreign License taxes, all kinds of public dues which under existing laws are now collected by the Sheriff and Treasurer, and shall receive Compensation. for his services the same compensation which is now allowed by the Sheriff and Treasurer.

SEC. 5. All Acts and parts of Acts, inconsistent with the pro- Repeal. visions of this Act, so far as the same relates to the County of Butte, are hereby repealed.

CHAPTER LXVII.

AN ACT

Supplementary to an Act entitled "An Act to apportion the Senatorial and Assembly Districts of this State," passed May 18th, 1853.

[Approved March 6, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Twenty-first
Senatorial Dist.

SECTION 1. The Counties of Humboldt and Trinity shall compose the Twenty-first Senatorial District, and shall elect one Senator.

Twelfth Sena-
torial District.

SEC. 2. The Counties of Klamath and Siskiyou, shall compose the Twelfth Senatorial District, and shall elect one Senator.

Senators, when
elected.

SEC. 3. The Senators provided for in the first and second sections of this Act, shall be elected at the general election, in the year eighteen hundred and fifty-seven, and at the general election every two years thereafter.

Repeal.

SEC. 4. So much of the Act to which this is supplemental, as provides for the Senatorial representation of the Counties of Humboldt, Klamath, Siskiyou and Trinity, is hereby repealed.

CHAPTER LXVIII.

AN ACT

Concerning Tenants in Common, Joint Tenants and Coparceners.

[Approved March 6, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tenants.
Privileges of.

SECTION 1. All persons holding as tenants in common, joint tenants, or coparceners, or any number less than all, may jointly or severally, bring or defend, any civil action for the enforcement or protection of the rights of such party.

CHAPTER LXIX.

AN ACT

To create a Board of Water Commissioners, in the County of San Bernardino, and define their duties.

[Approved March 6, 1887.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be in the County of San Bernardino, a ^{Water Board.} Board of Water Commissioners, to regulate water-courses, to consist of three members.

SEC. 2. They shall be elected at the general election of county officers, and shall hold office one year; in case of a vacancy from ^{Term of office.} any cause, such vacancy shall be filled by the Board of Supervisors.

SEC. 3. They shall appoint as many Overseers as they may ^{Overseers.} deem proper, for the regulation of the water-ditches in the county.

SEC. 4. The duties of the Commissioners shall be:

First, Upon petition by a majority of persons interested, they shall lay out any ditch, and apportion the water thereof among the people using the same, according to the amount of land each person may wish to irrigate. ^{Duties of Commissioners.}

Secondly, Upon the receipt of the returns of the Overseers of the number of acres required to be irrigated, and the probable number of days' work required to be done on any ditch in that season, they shall apportion the water thereof among the persons concerned.

Thirdly, They shall, as soon as they have apportioned the water, make a schedule, stating the hours that such persons shall use the water, commencing at the head, and also opposite the name of each person, the estimated number of days' work he will be required to perform.

SEC. 5. The duty of the Overseers shall be, to execute the ^{Duty of Overseers.} orders of the Commissioners, to attend to, and see that the water is used as apportioned by said Commissioners, to superintend the works ordered by them, to see that the water is kept clear of filth of every description, and that the ditches are kept in good repair. The Overseers shall, on or before the first day of February in each year, examine the ditch from head to foot, and make an estimate of the number of days' work that will be required to put such ditch in working order, to hold and carry all the water that may be required to pass through said ditch, and report the same to the Commissioners, together with the amount of land that each person may want to irrigate from said ditch; should the estimated number of days' work be insufficient to keep said ditch in repair during the season, the Overseers shall call upon every person to labor, in proportion to the amount of land to be irrigated by them from said

Delinquency— penalty of	ditch; he shall keep a correct account of all work done on each ditch, and every person who shall fail to perform his allotted portion of labor, after having received two days' notice, shall be considered delinquent, and shall pay the sum of ten dollars for each and every day, recoverable at the suit of the Overseers, with costs of suit, before any competent tribunal, to be by him applied to the repair of the ditch that the said labor was due upon.
Day's labor.	SEC. 6. Eight hours shall constitute a day's labor upon any water ditch, a team of two horses shall be equal to one day's work, a plough, wagon, or scraper, shall, when used, be equal to one-half day's work.
Commissioners disagree.	SEC. 7. In case any water-course run through two or more townships, and the Commissioners should not be able to agree as to the amount of water to be used by each township, the County Judge, upon the application of the Commissioners, shall determine the difficulty.
Compensation.	SEC. 8. The Commissioners and Overseers shall be allowed two dollars per day for each and every day engaged upon any water-ditch in the county, and for this purpose they are hereby authorized to levy a tax within each township, upon persons thus benefited, in proportion to the amount of water used by each.
Tax.	SEC. 9. When water rises on land owned by any person, it shall not be subject to the provisions of this Act, but in all cases, after it has passed beyond the limits of said lands, it may be used as provided in this Act.
Cases excepted.	SEC. 10. In all cases, the Commissioners shall have the right of way to cut ditches through their county.
Right of way.	SEC. 11. Any person using the water when it is not his right so to do, and when it belongs below him, and any person obstructing the water of any ditch, either by dam or otherwise, or, who shall throw or cause to be thrown, any filth into any such water-ditch, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined in any sum not more than twenty dollars for the first offense, and fifty dollars for every subsequent offense of like nature, recoverable at the suit of the Overseers, before any Justice of the Peace of the township; to be appropriated to the payment of Overseers' salaries, or repairing said ditch.
Misdemeanor.	SEC. 12. In case any person or persons shall be damaged by the breaking of any ditch, the parties using such ditch shall be liable for all such damages.
Penalty.	SEC. 13. No person or persons shall divert the waters of any river, creek or stream from its natural channel, to the detriment of any person or persons using said waters below, on any such river, creek or stream.
Damages.	SEC. 14. Any person or persons, who, under this Act, shall conduct water by ditch or otherwise, across the lands of any person or persons owning such land or lands, such compensation as may be agreed upon by the parties concerned, shall be paid to the owner or owners of such land or lands, and in case the parties cannot agree, each party shall appoint one arbitrator, and the two so appointed, shall select a third; the arbitrators so chosen, shall appraise the lands thus used, under oath, and their decision shall be final in the premises.
Water not to be diverted.	
Land owners compensated.	
Arbitrators	

SEC. 15. The Mayor and Common Council of the City of San Bernardino, shall have power to regulate the water and water privileges therein. Mayor and Council.

SEC. 16. The streams at the foot of the mountain, north of the City of San Bernardino, known as Twin Creeks, are hereby incorporated, and secured, for the sole benefit and exclusive use of said city, subject to the provisions of sections fourteenth and fifteenth of this Act.

SEC. 17. An Act creating a Board of Commissioners, and the office of Overseer, in each township of the several counties of this State, to regulate water-courses within their respective limits, passed May 15th, 1854, as far as the same conflicts with this Act, is hereby repealed.

CHAPTER LXX.

AN ACT

Relating to the Official Acts of the Officers of San Mateo County, and prescribing certain duties.

[Approved March 6, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the official acts and proceedings of all Officers elected, in and for the County of San Mateo, who are now holding offices therein, and of their predecessors in office, are hereby declared and made as legal and valid in all respects, (up to, and until, the next election of County Officers, in and for said county,) as though their election had been in all respects, legal and valid, and until the election and qualifications of their successors in office. Official acts legalised
Provided, Such officers have, severally taken the oath of office, Provided. and shall, within fifteen days after the passage of this Act, give the official bonds required by law. It being, however, expressly provided and intended, that neither the County Judge, nor any other officer of said county, whomsoever, shall be authorized or permitted, to continue in office, or perform any official duty under authority of this Act, for a longer term than until the next general election, or, until a special election, for county officers, in said county. *Provided*, Such special election shall be authorized by law, prior to the next general election, and until their successors shall be elected and qualified.

SEC. 2. The Board of Supervisors shall meet at Red Wood City, in said county, on, or before, the first day of April next, to Supervisors. Meeting.

sit as a Board of Appeals, for the equalization of the taxes of all such persons as have not already paid the same, and the tax list as it shall be altered, amended, or confirmed by such Board, shall be legal and valid.

Notice.

SEC. 3. The County Clerk shall give, at least, ten days' public notice of the meeting of the Board of Supervisors, as provided in the preceding section.

SEC. 4. The sheriff is hereby directed and required, to collect the residue of taxes in said county, and pay the same over, as required by law; but the time for collecting the same, and rendering account thereof, is hereby extended to the fifteenth day of April next.

SEC. 5. This Act shall take effect immediately.

CHAPTER LXXI.

AN ACT

To prevent the Owners of Saw-mills and other persons, from obstructing the channels of Humboldt Bay and Harbor.

[Approved March 6, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Unlawful acts.

SECTION 1. It shall be unlawful for any owner or owners, lessee or lessees of any saw-mill, or for any other person or persons to place, throw, or deposit, or cause, permit, or suffer any person or persons in their employ, to place, throw, or deposit any saw-dust, slabs, cuttings and other refuse, in any place where the same may be washed, carried, or fall into the waters of said bay, unless it shall be prevented from escaping into the channels of said bay, by piers or bulkheads, dams, or other contrivances, first submitted to, and approved of in writing, by the Board of Supervisors of Humboldt County.

Misdemeanor.

Penalty.

SEC. 2. Any person or persons violating the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined for each offense, in a sum not exceeding five hundred dollars, nor less than fifty dollars.

Fines.

SEC. 3. All fines so collected, one-fourth shall be allowed to the District Attorney, the informers shall receive one-fourth, and one-half shall be paid into the County Treasury, for county purposes.

Take effect.

SEC. 4. This Act shall take effect, from and after the first day of May next.

CHAPTER LXXII.

AN ACT

To authorize the Board of Supervisors of the County of Stanislaus to levy an additional Tax for County Purposes.

[Approved March 6, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of Stanislaus County are hereby authorized, and it shall be lawful for said Board of Supervisors, to levy a tax, for county purposes, of any sum not exceeding fifty cents, additional, upon each one hundred dollars worth of taxable property. Additional tax.

SEC. 2. This Act shall take effect, and be in force, from and after its passage. Take effect.

SEC. 3. So much of an Act entitled "An Act to provide Revenue for the support of the Government of this State," passed May 18th, 1853, as is inconsistent with this Act, is hereby repealed. Repeal.

CHAPTER LXXIII.

AN ACT

To Fund the Debt of the County of Sutter, and provide for the payment thereof.

[Approved March 9, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In order to Fund the Debt of the County of Sutter, which accrued from and after the first day of March, A. D. one thousand eight hundred and fifty-three, and provide for the payment thereof, the Treasurer of said county shall prepare, or cause to be prepared, bonds to an amount equal to the present indebtedness of said county, with all indebtedness that shall accrue, or the consideration of which shall have accrued, on or before the first day of February, A. D. one thousand eight hundred and fifty-seven ; said bonds shall be in any sum not less than one hundred Treasurer prepare bonds.
Sum of.

- Interest. or more than one thousand dollars each, bearing interest at the rate of ten per cent. per annum from the date of their issue; said bonds shall be payable at the office of said Treasurer on the first day of January, A. D. one thousand eight hundred and sixty-five. The interest accruing on said bonds shall be due and payable on the first day of January next, after which time the interest shall be due and payable on the first days of July and January of each year, until said bonds shall be paid and liquidated. Said bonds shall be signed by the President of the Board of Supervisors, and countersigned by the County Auditor, and shall be indorsed by the Treasurer, and shall have the seal of the county attached thereto.
- Auditor and Treasurer examine warrants. SEC. 2. The Auditor and Treasurer of said county shall examine the original book of records of warrants issued within the time mentioned in the first section of this Act, and fund all unredeemed warrants legally issued and entered in said Auditor's book, and no others.
- Separate records. SEC. 3. It shall be the duty of the Treasurer and Auditor of said county, each to keep a separate record of all such bonds as may be issued, showing the number, date and amount of said bonds, and to whom the same were issued.
- Coupons. SEC. 4. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond. Said coupons shall be signed by the Auditor and County Treasurer. When any interest shall be paid upon bonds issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.
- Expense of bonds, how paid. SEC. 5. The County Treasurer shall pay out of any money in the Treasury not otherwise appropriated, any and all expense that he may incur in having said bonds prepared, the sum so paid out not to exceed one hundred dollars.
- Warrants exchanged for bonds. SEC. 6. From and after the passage of this Act, all persons holding county warrants, so legally issued, shall, upon presentation thereof to said Treasurer, receive in exchange therefor, a bond or bonds of the County of Sutter, as provided in this Act. *Provided*, That the amount so presented shall not be less than one hundred dollars. The County Treasurer shall indorse on the back of each bond or warrant redeemed by him, the date of redemption, from whom received, and keep a record of the same, giving the number, date and amount of the bond or warrants.
- Proviso. SEC. 7. It shall be the duty of the President of the Board of Supervisors, and the County Auditor, once in sixty days, to appear at the Treasurer's office and examine all bonds and warrants redeemed, and cause the same to be registered, and canceled in such a manner as to prevent their re-issue or circulation.
- Duty of President of Supervisors and Auditor. SEC. 8. In addition to the ordinary taxes for general county purposes, there shall be this year, and annually thereafter, until the principal and interest of the said bonds to be issued shall be fully provided for by payment or otherwise, as hereinafter provided, levied and collected, in the same manner with the revenues of said county, and by the same officers, a special tax, to be called the Interest Tax, of twenty-five cents on each one hundred dollars of
- Special tax.

taxable property, which tax shall be collected and paid over into the County Treasury, in the legal currency of the State of California. The fund derived from this tax shall be applied only to the payment of the interest to accrue upon bonds herein provided for. *Interest tax. How applied.*
Provided however, That should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the sinking fund herein provided for. *Proviso.*

SEC. 9. It shall be the duty of the County Treasurer of Sutter County, to make certain arrangements for the payment of the interest of said bonds when the same fall due, at least sixty days before the time of payment; and in the event that said interest fund is insufficient, the said Treasurer shall draw on the general fund of the County of Sutter for such purpose, and in the event that it should prove inadequate, the said Treasurer is authorized and required, by and with the advice and consent of the Board of Supervisors of said county, to make such contract and arrangements as may be necessary for the payment of said interest, and for the protection of the credit of the County of Sutter. *Duty of Treasurer.*

SEC. 10. It shall be the duty of the Treasurer of said county, to set apart a fund, to be called the Sinking Fund of the County of Sutter; into said fund shall be paid, first—any and all surplus of the interest fund, as aforesaid; second—whatever surplus may remain in the Treasury of said county on the first day of May, A. D. 1857 (one thousand eight hundred and fifty-seven) and annually thereafter, after paying the ordinary yearly expenses of the county, each of such payments to be continued until the said sinking fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid, and when the same shall have been paid and liquidated, the same shall cease, and all surplus remaining in the sinking fund shall be paid into the general fund of the said county. *Fund set apart. Sinking Fund.*
 Whenever, at any time, there shall be in the sinking fund a sum of money amounting to one thousand dollars or upwards, the County Treasurer shall advertise in a public newspaper published in said county, or in the event there be no newspaper published in said county, then he shall publish in such manner as the Board of Supervisors may direct, for the space of thirty days, for sealed proposals for the redemption of said bonds, the advertisement to specify the day, hour and place the sealed proposals will be opened. *Surplus, how disposed of.*
 At the time specified, the Treasurer shall open the sealed proposals at his office, in the presence of such persons as may wish to be present, and shall pay and liquidate said bonds presented at the lowest value at which they may be proposed to be liquidated. *Redemption of bonds. Proposals opened.*
Provided, The same shall not be for more than their par value. *Proviso.*
And provided, That should there be no proposals made for less than par value, then the payments shall be made *pro rata* on all bonds.
And provided, Whenever there shall be a sufficient amount in the sinking fund for the extinguishment of the debt of said county, it shall be the duty of the Treasurer to advertise in some newspaper published in the county, or in the event there be no newspaper published in said county, then he shall advertise in such manner as the Board of Supervisors may designate, for the space of thirty days, for the redemption of the outstanding bonds of said county, as

hereinafter provided, after which time said bonds shall cease to bear interest.

Treasurer's
endorsement.

SEC. 11. The Treasurer shall indorse upon each bond redeemed, the date of redemption, and from whom redeemed, and the County Auditor shall attend at the office of the Treasurer, whenever bonds are redeemed, and see that the bonds are duly canceled. A full and particular account and record of the sinking fund shall be kept by the said Treasurer, and shall at all times be open for the inspection of the Auditor, Board of Supervisors, and Grand Jury, and upon demand of the Grand Jury of said county, the Treasurer shall cause a concise statement of the condition and business of said fund, and of the amount of bonds issued, and to whom issued, to be published as they may designate.

Account and
record kept.

Statement to be
published.

Compensation of
Treasurer.

SEC. 12. The Treasurer of said county shall receive as compensation for duties performed under the provisions of this Act, one per cent. on the amount of debt funded, as provided for in this Act.

Funding to
commence.

SEC. 13. Immediately after the passage of this Act, the Treasurer shall advertise that, after thirty days, the funding of said debt will commence, from and after which, it shall not be lawful for the Treasurer to pay or liquidate any county warrants drawn prior to the first day of February, A. D. one thousand eight hundred and fifty-seven, in any manner than is herein provided, unless otherwise ordered by future enactments.

CHAPTER LXXIV.

AN ACT

Authorizing Brice Grimes to build a Wharf on Napa Creek.

[Approved March 9, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Location.

SECTION 1. Brice Grimes, and such others as he may choose to associate with him, is hereby authorized to construct a wharf in the town of Napa, at a point at the foot of Fourth street.

Amount of grant

SEC. 2. All the right of the State of California to the overflowed lands on which said wharf may be built, not to exceed six feet from ordinary low water into said creek, is hereby released to the aforesaid Brice Grimes for the term of ten years. *Provided*, Said wharf shall in no way obstruct the navigation of said creek.

Proviso.

When to build.

SEC. 3. Said Brice Grimes, and his associates or assigns, shall, within one year from the passage of this Act, construct said wharf

in good and substantial manner, and keep the same in good repair; Toll and
and they may collect toll and wharfage, as the Board of Super- wharfage.
visors of said county may, from time to time, allow.

CHAPTER LXXV.

AN ACT

*To amend an Act entitled An Act to regulate Proceedings in
Criminal Cases, passed May 1, 1851.*

[Approved March 10, 1857.]

*The People of the State of California, represented in Senate and
Assembly, do enact as follows :*

SECTION 1. Section three hundred and thirteen of said Act is hereby amended so as to read as follows:

Section three hundred and thirteen. The application must be made in open Court and in writing, verified by the affidavit of the defendant, and a copy of said affidavit must be served on the District Attorney, at least one day before the application is made to the Court. And whenever said affidavit shall show that the defendant cannot safely appear in person to make his application, because the popular excitement against him is so great as to endanger his personal safety, and when said allegation in said affidavit is sustained by other and further testimony, in the judgment of the Court, said application may be made by counsel, and shall be heard and determined in the absence of the defendant, though he be indicted for felony, and may not, at the time of such application, have been arrested, or have given bail, or been arraigned, or plead, or demurred to the indictment. But nothing in this Act shall be held or construed to lessen the duty and obligation of all courts, officers, and other persons, to pursue and arrest any person indicted for crime.

Application, how
made.

Copy served on
Dist. Attorney.

CHAPTER LXXVI.

AN ACT

To provide for the Indigent Sick in the County of Butte.

[Approved March 10, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Additional tax.	SECTION 1. The Board of Supervisors of the County of Butte are hereby authorized to levy and collect, in addition to the taxes provided by law, an annual tax of one-eighth of one per cent. on the valuation of all property, real and personal, in said county, for the support and maintenance of the indigent sick of said county.
Purpose of. When and by whom collected.	SEC. 2. Said tax shall be collected at the same time, and by the same officer or officers, now authorized by law to collect State and County revenue, and shall not be appropriated or used for any other purpose than for the support and maintenance of the indigent sick of said county.

CHAPTER LXXVII.

AN ACT

To amend an Act entitled "An Act to fund the Debt of the County of Calaveras, and provide for the Payment thereof," approved May 3d, 1852.

[Approved March 10, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The seventh section of an Act entitled "An Act to fund the Debt of the County of Calaveras, and provide for the Payment thereof," approved May 3d, 1852, is hereby amended so as to read as follows:

Special tax.

Section seven. In addition to the ordinary taxes for general county purposes, there shall, this year, and annually thereafter—until the principal and interest of the said bonds to be issued shall be fully provided for, by payment or otherwise, as hereinafter provided—be levied and collected, in the same manner with the ordi-

nary revenues of the said county, and by the same officers, "A Special Tax, to be called the Interest Tax," of not less than fifteen cents, nor more than thirty cents, on each one hundred dollars of taxable property; which tax shall be collected and paid over into the county, in the legal currency of the State of California, (or in gold dust at sixteen dollars an ounce.) The fund derived from this tax shall be applied only to the payment of the interest to accrue upon the bonds herein provided for. *Provided, however,* That should said fund furnish a surplus, over and above what may be required for the payment of said interest, such surplus shall be turned over, and paid into the Sinking Fund herein provided for.

Sec. 2. The ninth section of an Act entitled "An Act to fund the Debt of the County of Calaveras, and provide for the Payment thereof," approved May 3d, 1852, is hereby amended so as to read as follows:

Section nine. It shall be the duty of said Treasurer to set apart a fund, to be called the Sinking Fund of the County of Calaveras. Into this fund shall be paid: First, any and all surplus of the Interest Fund, as aforesaid; Second, whatever surplus may remain in the treasury of the said County of Calaveras, on the first day of August, one thousand eight hundred and fifty-two, and on the first day of May every year thereafter, after paying the ordinary yearly expenses of the county; each of such payments to be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bonds aforesaid, and the same shall be paid and liquidated; the payment shall cease, and all surplus remaining in said Sinking Fund, shall be paid into the common treasury of said county. Whenever at any time there shall be in the Sinking Fund a sum of money amounting to five hundred dollars or upwards, the County Treasurer shall advertise in a public newspaper, published in said county, for the space of two weeks, for sealed proposals for the redemption of said bonds: after the expiration of the time of publication, the Treasurer shall open the sealed proposals, in presence of the County Recorder, and shall pay and liquidate said bonds presented, at the lowest value at which they may be proposed to be liquidated. *Provided,* The same shall not be for more than their par value; and, *provided,* whenever there may be sufficient in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the said Treasurer to advertise in some newspaper, published in the county, for the space of four weeks, for the redemption of the outstanding bonds of said county, as hereinbefore provided, after which time the said bonds shall cease to bear interest.

Amount of.

Proviso.

Sinking Fund.

Surplus.

How disposed of.

Treasurer to advertise.

Proposals.

Proviso.

CHAPTER LXXVIII.

AN ACT

Authorizing the United States to purchase Land for Public Purposes.

[Approved March 10, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Right to purchase land.

Purposes specified.

Commissioners to value.

How chosen.

SECTION 1. That the United States, or such person or persons as may be by them authorized, shall have the right to select and purchase the fee simple of such portion or parcels of land not exceeding fifty acres in any one case, as may be necessary for erecting lighthouses and beacons, and for fortifications.

SEC. 2. That if the person or persons whose land may be chosen for the above mentioned purpose, should not be disposed to sell the same, or if the person or persons appointed to make the purchase should not be able to agree upon terms with the owner or owners of said land, the same shall be valued upon oath by three Commissioners, one of whom shall be chosen by the Governor of the State for the time being, one by the Judge of the State District Court of the Judicial District wherein said lands may be located, and one by the person or persons whose lands may have been chosen as above; and the decision of a majority of said Commissioners shall be final, and the right and title in, to, and of said lands, shall be vested in the United States, upon due payment by said United States through their authorized agent of the amount of such valuation to the owner or owners of such land or lands.

CHAPTER LXXIX.

AN ACT

To abolish the Office of Directors of the State Prison.

[Approved March 10, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Office abolished. SECTION 1. The Office of Directors of the State Prison, created

by an Act entitled "An Act to provide for the Government of the State Prison," approved May seventh, one thousand eight hundred and fifty-five, is hereby abolished.

CHAPTER LXXX.

AN ACT

To further Extend the Act concerning Corporations, passed April 22d, 1850.

[Approved March 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any nine or more persons who may desire to act in concert for the care, protection, relief, or improvement of—First, Orphans; or, Second, Foundlings; or, Third, Shipwrecked or Destitute Sailors; or, Fourth, Sick and Disabled or Unprotected and Needy Persons; or, Fifth, for the establishment and management of Cemeteries;—and who shall desire to form an incorporated society for the promotion of either of the said benevolent objects, may do so by complying with the provisions of chapter eight of the Act concerning Corporations, passed April 22d, 1850; and such benevolent societies, incorporated under the provisions of said Act as hereby extended, shall possess the same powers, be subject to the like liabilities, and enjoy the like privileges, as therein provided. *Persons may act in concert. Objects specified*
Provided, That any corporation established for purposes of forming or conducting of cemeteries, shall be competent to take, and hold, any quantity of land not exceeding three hundred and twenty acres. *Proviso.*

SEC. 2. The corporations hereinbefore enumerated, shall have power to elect such officers, and such number of directors, managers, or trustees, and fill vacancies, and make such needful rules and regulations to carry their benevolent objects into effect, as they may by their constitution and by laws from time to time provide, and as shall not be inconsistent with any of the laws of the land. *Power of Corporations.*

CHAPTER LXXXI.

AN ACT

To fix the Compensation of the County Judge of Calaveras County and the District Attorney of Calaveras County.

[Approved March 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SALARY OF JUDGE. SECTION 1. That the County Judge of Calaveras County, shall receive for his services, annually, the sum of two thousand five hundred dollars, and the District Attorney of Calaveras County, annually, the sum of one thousand dollars. *Provided,* This section shall not affect the salaries of the present incumbents.

DIST. ATTORNEY.

PROVISO.

CHAPTER LXXXII.

AN ACT

To cede certain Property to the Town of Eureka.

[Approved March 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

WATER FRONT. SECTION 1. The State of California hereby cedes and grants to the town of Eureka, in the County of Humboldt, the entire water front of said town within the corporate limits thereof; and also, all the right, title and interest of the said State, in and to, all the lands within the corporate limits of said town.

TO BE LAID OFF IN LOTS. SEC. 2. The Board of Trustees of said town, are hereby authorized and required to lay off the said water front, in lots of such size, and in such manner, as will accommodate and subserve the interest of the present "mill-owners," and other occupants, and shall proceed to sell such lots as are now in the *bona fide* possession of such "mill-owners" and other occupants, to said occupants at a price not to exceed one dollar per front foot, and extending from high water mark to a point in the bay, where the water shall not be over six feet deep, at low tide. *Provided,* That unless the occupants, (within six months after said lots shall be offered for

TO BE SOLD.

PRICE.

EXTENT.

PROVISO.

sale,) shall purchase and pay for the same, the Board of Trustees shall, after twenty days notice, offer the same for sale at public auction, and sell to the highest bidder for cash.

SEC. 3. The entire nett proceeds of such sale shall be paid over Proceeds of sale. to the Town Treasurer, for the benefit of the town.

CHAPTER LXXXIII.

AN ACT

To declare Feather River Navigable.

[Approved March 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of Feather river as lies between the mouth Navigable limits of Yuba river and the northern boundary of the town of Oroville, is hereby declared navigable.

SEC. 2. This Act shall not be deemed to affect the right of any and all persons, to keep and maintain, any toll-bridge now established and kept over the waters hereby declared navigable. *Pro-* Proviso. *vided,* Such bridge shall, before the first day of October next, be furnished with a draw of sufficient width, to allow the passage of such steamboats as shall navigate said waters.

CHAPTER LXXXIV.

AN ACT

To Incorporate the Town of Oroville.

[Approved March 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The people of the town of Oroville, shall be a body Corporate body. politic and corporate, under the name and style of "The Trustees

- Privileges.** of the Town of Oroville," and by that name they shall have succession, may sue and defend in all courts, and in all actions and proceedings. purchase, receive, and hold property, and sell, or otherwise dispose of the same for their common benefit.
- Boundaries.** SEC. 2. The corporate limits of the town of Oroville shall be as follows: commencing at a point about ten rods, more or less, northeast of Garriott's saw-mill, where the bluff intersects Feather river, and running thence along the summit of said bluff, in a southerly direction to a point where First avenue, (as represented on the map of the town of Oroville,) intersects said bluff: thence on a line with the center of said avenue to Feather river: thence along Feather river to the place of beginning—the area within said limits not exceeding one square mile.
- Powers.** SEC. 3. The corporate powers and duties of the town of Oroville, shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of the town, on the first Monday of May in each year, and shall hold their office for the term of one year, and until their successors are chosen and qualified.
- Trustees elected**
- Term.** SEC. 4. The Board of Trustees shall assemble within ten days after their election, and choose a President from their number, and some person as Clerk; they shall, by ordinance, fix the times and places of holding their stated meetings, and may be convened by the President at any time.
- President and Clerk.**
- Meetings.**
- Quorum.** SEC. 5. At all meetings of the Board, a majority of the Trustees shall constitute a quorum to do business, and a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as the Board previously, by ordinance, may have prescribed.
- Powers.** SEC. 6. The Board of Trustees shall judge of the elections, returns and qualifications of their own members, and determine contested elections of all town officers. They may establish rules for their own proceedings, punish any member, or other person, for disorderly behavior in their presence, and with the concurrence of four of the Trustees, expel any member, but not a second time for the same cause; they shall keep a journal of their proceedings, and at the desire of any member, shall cause the yeas and nays to be taken on any question, and entered on the journals, and their proceedings shall be public.
- Vacancies.** SEC. 7. In case of a vacancy in the Board of Trustees, by resignation or otherwise, the remaining Trustees shall have power, and be required to fill such vacancy at their next regular meeting.
- Powers defined.** SEC. 8. The Board of Trustees shall have power to make such by-laws or ordinances, not inconsistent with the constitution and laws of the United States and of this State, as they may deem necessary to prevent and remove nuisances, to prohibit disorderly conduct, to provide for licensing public shows, lawful games, hawkers and pedlars, and bars at which spirituous liquors are sold, construct pumps, aqueducts, reservoirs or other works necessary for duly supplying the town with water, to keep in repair public wells, to lay out, alter, keep open and repair the streets and alleys of the town, and to establish grades of the same; to provide such means as they may deem necessary to protect the town from injuries by

fire, to levy and collect, annually, a tax on all property in the town, not exceeding one per centum on the assessment valuation thereof; to levy and collect a poll-tax of not exceeding one dollar per annum on every male inhabitant of twenty-one years of age and upwards, to impose and collect a tax on dogs not exceeding six dollars per annum; on every dog found running at large within the incorporate limits of the town; to provide for the impounding of swine or cattle, and to pass such other by-laws and ordinances for the regulation and police of said town, as they may deem necessary.

Sec. 9. The Board of Trustees may impose fines for the breach of their ordinances, not exceeding the sum of one hundred dollars, for any one breach of any ordinance, which fine may be recovered before any Justice of the Peace, by suit, in the name of the inhabitants of the town of Oroville, and collected by execution; they may also impose penalties of imprisonment for the breach of their ordinances, not exceeding ten days, or both such fine and imprisonment for any one offense, in the discretion of the Justice of the Peace by whom the punishment is assessed; all fines collected in pursuance of this Act, shall, by the officer collecting the same, be paid over to the Treasurer of the town.

Impose fines.

How recovered and collected.

Sec. 10. There shall also be chosen in the town of Oroville, at each annual election, a Treasurer, Assessor, and a Marshal, who shall be collector of all taxes levied by the Board of Trustees. The Board of Trustees shall have power to establish such other offices as they may deem necessary, to be filled in such manner as they may designate; they shall prescribe the duties and fix the compensation of all town officers, and shall fill by appointment all offices becoming vacant by resignation, or otherwise, till the next annual election.

Treasurer, Assessor, and Marshal, to be elected.

Other officers.

Sec. 11. Any person shall be qualified to hold any town office, or to vote for any town officer, who shall be a qualified elector under the constitution and laws of this State, and who shall have resided in the town thirty days next preceding the election.

Qualifications to hold office and to vote.

Sec. 12. All officers of the town, before entering upon the duties of their office, shall take the oath prescribed by the constitution; and the Treasurer, Marshal, and Assessor, shall give bonds for the faithful performance of the duties of their office, payable to the inhabitants of the town of Oroville, to be approved by the Board of Trustees, in such penalties as the Board, by ordinance may prescribe; if, from any cause, such bond shall have become insufficient in the opinion of the Board, they may require of any such officer such additional bond as they may think necessary.

Bonds.

Sec. 13. If any person fail to pay any tax levied upon his real or personal property, the Marshal may recover the same by suit in the name of the town, before any court of competent jurisdiction, together with all the costs of such suit. The provisions of an Act to exempt incorporated towns from the liabilities of the road tax, entitled "An Act concerning Roads and Highways," passed April, 28th, 1855, shall not apply to this Act, nor in any way be construed so as to exempt persons living within the corporate limits of the town of Oroville from the road tax.

Unpaid taxes.

Sec. 14. The President of the Board of Trustees, shall, on the

Statement of moneys, etc., to be published.	first days of July and January of each year, make out a full and correct statement of all moneys received and expended during the six months next preceding, and shall cause such statement, within ten days thereafter, to be published in some newspaper published in the town, or by posting the same in three public places in said town; for any neglect to comply with the provisions of this section, he shall forfeit the sum of two hundred dollars, to be recovered with costs, in any court of competent jurisdiction, to the use of the town.
By-laws and Ordinances.	SEC. 15. The Board of Trustees shall cause all by-laws and ordinances of the town to be published in some newspaper published in the town, or by posting the same in three public places in said town, at least two weeks before the said by-laws and ordinances shall be carried into effect.
Office vacated.	SEC. 16. Should any of the Trustees, or any other town officers remove from the town, absent himself therefrom, for more than thirty days, without leave of the Board, or neglect to qualify within ten days after his election, or if bond is required of him, neglect for said time to give said bonds, his office shall be thereby vacated.
Persons to give notice of election Returns.	SEC. 17. Thomas Wells, Robert Richey, Geo. H. Croasette, H. B. Lathrop, senior, and Dr. James Green, or any three of them, are authorized and required to give not less than five days' public notice of an election, on the first Monday of May, one thousand eight hundred and fifty-seven, for the election of town officers, provided for in this Act; they shall also appoint three judges to act at said election; the said judges shall give certificates of election to the five persons having the highest number of votes for Trustees. The new Board of Trustees when organized, shall examine the returns, and grant certificates to the persons having the highest number of votes for other town officers.
Recorder.	SEC. 18. The Trustees shall have power to order the election of a Recorder at each regular town election, if a majority of them shall deem such an office necessary, who shall receive for his services the same fees as are, or may be allowed Justices of the Peace for like services.
Fees.	
Jurisdiction.	SEC. 19. The Recorder, as to offences committed within the town, shall have like jurisdiction as now is, or may hereafter be conferred upon Justices of the Peace, to examine and commit persons brought before him, and charged with commission of offenses within the limits of the town, to take recognizances to appear to keep the peace, and to issue all such writs and process, as a Justice of the Peace may lawfully do, subject to all the rules governing Justices of the Peace; the Recorder shall also have jurisdiction in all violations in the town ordinances, and may, according to the provisions of such ordinances, hold to bail, fine or commit to prison, or both fine and imprison, any person found guilty of any violation thereof.
No debts contracted.	SEC. 20. The Board of Trustees of the town of Oroville, shall not contract any liabilities, either by borrowing money, loaning the credit of the town, or contracting debts, which singly or in the aggregate, shall exceed the sum of one dollar.
Election precincts.	SEC. 21. The Board of Supervisors of Butte County, are hereby empowered to establish two election precincts within the corporate limits of said town of Oroville.

SEC. 22. No mining claims, mining implements, or improvements on the same, shall be subject to taxation for municipal purposes. Mining claims.

SEC. 23. The Trustees of the said town of Oroville, shall receive no compensation for their services. The said Board of Trustees shall act as a Board of Equalization, to equalize the assessment of property made by the Assessor. Compensation.
Board of
Equalization.

CHAPTER LXXXV.

AN ACT

For the Relief of the State Prison.

[Approved March 14, 1857]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State be, and he is hereby, authorized and required to draw his warrant on the treasury, in favor of James M. Estell, Lessee of the State Prison, for the sum of five thousand dollars, payable out of any money in the treasury not otherwise appropriated, which said sum of five thousand dollars is to be deducted from any moneys hereafter to become due from said State to James M. Estell, as Lessee of said State Prison. *Provided*, That it is not the intent of this Act to recognize the legality of any contract between said State and said Lessee, nor to annul the same. *Provided, further*, That the Controller shall draw no warrant on the treasury, for the sum herein appropriated, unless there shall be sufficient unappropriated moneys in the treasury to pay the same. Warrant drawn.
Sum of.
Provided.

SEC. 2. The said James M. Estell, Lessee, is hereby appointed disbursing agent of the State, under the provisions of this Act, to draw and pay out the appropriation hereby made, in such sums as may be ordered by the Board of Examiners of this State. Agent of State.

SEC. 3. This Act to take effect from and after its passage.

CHAPTER LXXXVI.

AN ACT

Supplementary to and to amend An Act concerning the Debt and the Current Expenses of the County of Monterey, and to provide for the Funding and the Payment of the same, approved April 19, 1856.

[Approved March 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Taxes levied.** SECTION 1. Section eleventh of said Act is hereby amended so as to read as follows: Section eleven. The Board of Supervisors of said county shall annually levy the taxes required by law to be levied for State purposes, and the only other taxes to be levied by the Board of Supervisors annually shall be as provided in this Act, the interest tax, the current expense tax, and such school and such road taxes as may be authorized by law; and the sinking fund tax as herein provided. All these taxes shall be levied by order of the Board of Supervisors each year, between the first day of August and the tenth day of September following inclusive; and in case the Board of Supervisors fail to levy the taxes, the rates of the previous year shall be deemed adopted and levied.
- When.**
- Repeal.** SEC. 2. Section fourteenth of said Act is hereby repealed; and if there be not sufficient money during the year in the "fund for current expenses" to pay all warrants drawn on the same for the year, then the balance of such unpaid warrants may be funded as herein provided, if presented for funding within three months after the expiration of the fiscal year for which they are drawn, or within three months after their issuance.
- Unpaid warrants funded.**
- Conditions.**
- Interest tax.** SEC. 3. The interest tax provided for in said Act shall not be less than twenty-five cents, and shall not exceed one dollar on each one hundred dollars of taxable property in the county, and the current expense tax provided for in said Act shall be not less than twenty-five cents, and shall not exceed one dollar and fifty cents on each one hundred dollars of taxable property in the county; and the Board of Supervisors are authorized to levy said interest, and said current expense taxes at any rate within said limits; but they shall levy interest tax sufficient to pay the interest on the outstanding bonds issued under said Act of 1856, and under the provisions of this Act.
- Current expense tax.**
- Rates limited.**
- Interest on bonds.**
- Taxes not appropriated.** SEC. 4. All license, and all poll or other taxes, paid into the county treasury for county purposes, and all money therein, or paid therein not by law otherwise specifically appropriated, shall be paid into and shall become part of the fund for current expenses, as before provided for; and county warrants shall not be received for taxes, licenses, fines, or other dues to the county.
- Warrants not received.**
- SEC. 5. Whenever ordered, within eight months after the pas-

sage of this Act by the Board of Supervisors, the Treasurer of said county shall prepare bonds of said county, which bonds shall be in sums of not less than one hundred dollars each, and every bond shall express in substance that the County of Monterey owes to the payee thereof, or bearer, the sum expressed therein, bearing interest at seven per cent. per annum, payable on the presentation of the proper coupons at the office of said Treasurer, on the first day of January annually, from the time of issue until said bonds shall be paid or redeemed, or the interest thereon stopped as provided in said Act; said bonds shall become due and payable at the office of said County Treasurer on or before the first day of January, A. D. 1872. The bonds shall be signed by the County Treasurer, countersigned by the County Auditor, and approved by the President of the Board of Supervisors, and shall have the seal of the Recorder of said county affixed thereto, and said seal may be used for this purpose without charge. To each bond shall be annexed coupons for the interest thereon, signed by the County Treasurer, and expressing the amount of interest due each year, and when and where payable; and when bonds or coupons shall be paid, the same shall be canceled by the Treasurer and filed in his office, and such canceled bonds and coupons shall be vouchers for the Treasurer and the county. The Treasurer shall keep a record of the canceled bonds and warrants, giving the number, date, and amount of each, and from whom and when received.

SEC. 6. Any person holding true and lawful warrants of said county, or bonds of the same issued under the Act to which this is supplementary, shall have the privilege of receiving in exchange therefor bonds as provided in this Act; and the Treasurer is authorized and directed to issue said bonds on presentation of not less than one hundred dollars of such warrants or bonds. *Provided*, The same be presented within one year after the passage of this Act, except as specified in the second section.

SEC. 7. The Board of Supervisors may allow the Treasurer not exceeding two hundred dollars for preparing said bonds, and not exceeding the same sum to each the Treasurer and the Auditor for all their services under this Act, and the one to which it is supplementary.

SEC. 8. The bonds issued by virtue hereof, shall be upon the same footing, and be entitled to all the rights and privileges of the bonds issued under the Act to which this is supplementary; and said Act, so far as is consistent, shall apply to the proceedings to be taken and the bonds to be issued under this supplementary Act.

SEC. 9. In the County of Monterey, no fees for witnesses in criminal cases for per diem or mileage, shall be allowed or paid out of the fund for current expenses, or any other fund; and all provisions of law, giving fees to witnesses in criminal cases, are repealed, so far as the same relate to the County of Monterey.

Order of Supervisors.
Bonds.

Sums of bonds.
Interest, when payable.

Bonds, when payable.
How signed, &c.

Coupons.

When canceled.
Vouchers
Record of bonds.

Warrants exchanged.

Proviso.

Compensation of Treasurer.

Of Auditor.

Privileges.

No fees allowed.

CHAPTER LXXXVII.

AN ACT

Supplementary to "An Act for securing Liens to Mechanics and others," passed April 19th, 1856.

[Approved March 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act extended.

SECTION 1. An Act entitled "An Act for securing Liens to Mechanics and others, passed April 19th, 1856," shall be and is hereby extended, so as to include in its provisions, bridges, ditches, flumes or aqueducts, to create hydraulic power, or for mining purposes; and all master builders, mechanics, lumber merchants, contractors, journeymen or laborers, and all other persons performing labor, or furnishing materials for, or employed in the construction or repair of any bridge, ditch, flume or aqueduct aforesaid, shall have the same lien, subject to the same provisions and regulations, as in and by said Act are provided for liens upon buildings, wharves, and other superstructures.

Lien.

CHAPTER LXXXVIII.

AN ACT

To authorize the Board of Supervisors of Calaveras County to levy a Special Tax to redeem County Warrants.

[Approved March 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The Board of Supervisors for the County of Calaveras shall have power, and it is hereby made their duty, to levy a special tax, annually, in addition to the other taxes provided for by law, upon the taxable property in the county, of not more than one per cent., and said tax shall be collected at the same time, and in like manner, as other taxes are collected in said county.

Moneys set aside.

SEC. 2. The tax provided for in the first section of this Act, together with one-third of all moneys received into the County

Treasury from the sale of Foreign Miners' Licenses for county purposes, shall be set aside and kept as a special fund, to be called the "Redemption Fund," and shall be held and disbursed as is herein-
after provided. Redemption Fund.

SEC. 3. It shall be the duty of the County Treasurer to give thirty days' notice, by publication in some newspaper published in the said county, that sealed proposals, directed to him, for the surrender of county warrants, will be received by him up to the last day of the session of each quarterly meeting of the Board of Supervisors. Duty of Treasurer.

SEC. 4. On the last day of each quarterly meeting of the Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals, and accept the lowest bids for the surrender of county warrants. *Provided*, That no bid for more than the par value of said warrants, or any bid unless accompanied by the warrants proposed to be surrendered, shall be accepted. Open proposals.

SEC. 5. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices, and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the "Redemption Fund," and the warrants so redeemed shall be canceled, as other redeemed warrants, except that the County Treasurer shall write on the face of said warrants, "purchased," and the amount paid for the same, and shall sign his name thereto. Description of warrants.

The order of the Board of Supervisors directing the County Treasurer to purchase said warrants, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts; the bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amounts of warrants being equal, each shall be accepted *pro rata*, or as nearly so as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand. Purchase of.

SEC. 6. The County Treasurer shall keep a separate account, under the head of "Redemption Fund," of all moneys received from the sources specified in the first and second sections of this Act, and the said moneys shall never be used or mixed with other funds. Treasurer sign.

SEC. 7. The County Treasurer of said county shall not redeem any of the warrants of said county drawn prior to the passage of this Act, except as herein provided for. For any violation of the provisions of this Act, he shall be deemed guilty of a misdemeanor, and punished for the same in such manner as is prescribed by law for the punishment of such crimes. Vouchers.

Preference.

Unaccepted bids

Separate accts.

Warrants not to be redeemed.

Misdemeanor.

CHAPTER LXXXIX.

AN ACT

Concerning the Moneys in the State Treasury, and to appropriate from the same for the Civil Expenses of the State, from the first day of February, A. D. 1857, inclusive.

[Approved March 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Transfer of moneys.	SECTION 1. The Controller and Treasurer of State are hereby required to transfer to the credit of the General Fund, all moneys standing to the credit of, or which may hereafter be received, belonging to the following funds, to wit: Interest Tax Fund of 1851; Interest Tax Fund of 1852; State Prison Interest Fund; Interest Tax Fund of 1855; Interest Tax Fund of 1856; Sinking Fund of 1851; State Property Fund; and Insane Asylum Fund. And the moneys by this section transferred to the General Fund, shall be held and paid out exclusively for the appropriations made by this Act, until such appropriations are paid
Funds specified.	SEC. 2. For the purpose of defraying the Civil Expenses of the State, from the first day of February, A. D. 1857, inclusive, the following sums of money, for the objects herein designated, are hereby appropriated out of any moneys belonging to the General Fund in the State Treasury, not otherwise appropriated, and from the moneys by this Act transferred to the General Fund, which are hereby specifically set apart for the purpose.
How paid out.	For the salary of the Governor of the State, eight hundred and thirty-three dollars; and for contingent expenses of his office and office rent, one hundred and fifty dollars.
Civil expenses.	For compensation and mileage of the Lieutenant-Governor, as a member of Board of State Prison Commissioners, fifty dollars.
Appropriation.	For the salary of the Treasurer of State, three hundred and seventy-five dollars; and for contingent expenses of his office, and extra clerk hire, two hundred dollars.
Governor, salary of.	For the salary of the Controller of State, three hundred and seventy-five dollars; and for contingent expenses of his office, one hundred and fifty dollars.
Lieut. Governor.	For the salary of the Secretary of State, two hundred and ninety-two dollars; and for the contingent expenses of his office, one hundred dollars.
Treasurer.	For the salary of the Surveyor-General of the State, one hundred and sixty-seven dollars; and for contingent expenses of his office, one hundred dollars. For Draughtsman of the Surveyor-General, two hundred and fifty dollars.
Controller.	For the salary of Superintendent of Public Instruction, two hundred and ninety-two dollars, and for contingent expenses, for office rent and for furniture, three hundred and fifty dollars.
Sec'y of State.	
Surveyor Gen'l.	
Superintendent of Public Instruction.	

For the salary of Quartermaster-General, two hundred and fifty dollars; and for office rent, transportation of arms, and contingent expenses of his office, one hundred dollars. Quartermaster General.

For the salary of the Attorney-General, one hundred and sixty-seven dollars, and for office rent, traveling expenses, and for contingent expenses of his office, one hundred and fifty dollars. Attorney Gen^l.

For the salary of the Governor's Private Secretary, two hundred and eight dollars. Private Sec'y of Governor.

For the Special Contingent Fund of the Executive Department of State, to be used and drawn for, and at the discretion of the Governor, four hundred and seventeen dollars. Conting'nt Fund

For compensation of Clerks in the Controller's office, one thousand and eighty dollars. Clerks of Controller.

For compensation of Clerks in the Treasurer's office, five hundred and forty dollars. Of Treasurer.

For compensation of Clerks in the office of Secretary of State, eight hundred and ten dollars. Of Secretary of State.

For the pay and mileage of the Lieutenant-Governor and members of the Senate, sixteen thousand and forty-four dollars. Lieut. Governor and Senators.

For pay of members of the Assembly, thirty-three thousand six hundred and eighty-four dollars. Assemblymen.

For the contingent expenses of the Senate, fourteen hundred dollars. Contingents of Senate.

For the contingent expenses of the Assembly, sixteen hundred dollars. Of Assembly.

For the salary of the Clerk of the Board of Examiners, fifty dollars; and for the contingent expenses of the Board of Examiners, fifty dollars. Clerk Examin'rs

For the salaries of the Justices of the Supreme Court, eighteen hundred and thirty-three dollars; and for the contingent expenses of said Court, and for pay of porter and bailiff, two hundred dollars. Judges Supreme Court.

For the salaries of the District Judges of the State, six thousand six hundred and twenty-seven dollars. District Judges.

For the support of the Asylum for the Insane, twenty-nine hundred and seventeen dollars. Insane Asylum.

For the salaries of the Physicians of the Insane Asylum, six hundred and sixty seven dollars. Physicians of.

For the payment of costs and expenses (other than counsel fees) in suits where the State is a party, two hundred and fifty dollars. Costs of suits of State.

For State Printing and Binding, and for printing paper, ten thousand dollars. State Printing.

For official advertising, one thousand dollars. Advertising.

For lights and fuel for the Senate and Assembly Chambers and for Committee Rooms, four hundred and eighty dollars. Lights and fuel.

For rent of the State House, one thousand dollars. Rent of State House.

For rent of the Supreme Court Rooms, four hundred and seventeen dollars. Supreme Court rooms.

For rent of State Library Rooms, one hundred and fifty dollars, and for contingent expenses of State Library, fifty dollars. Library rooms.

For Private Secretary of Supreme Court, one hundred and fifty dollars. Private Sec'y of Supreme Court.

For the transportation of prisoners to the State Prison, three thousand dollars. Transportation of prisoners.

Officers Senate. For compensation of officers and attaches of the Senate, seven thousand six hundred and two dollars.

Of Assembly. For compensation of officers and attaches of the Assembly, five thousand eight hundred and forty-four dollars.

Copying for Assembly. For payment of copying for the Assembly, twelve hundred dollars.

Controller not draw warrants unless money in Treasury. SEC. 3. The Controller of State shall not draw his warrants for the payment of any money out of the appropriations made by this Act, until money for the payment of the same is in the State Treasury, nor for the payment of any service done, or debt accrued, prior to the first day of February, A. D. 1857.

CHAPTER XC.

AN ACT

To regulate the Fire Department of the City and County of San Francisco.

[Approved March 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Fire Departm't Officers, &c. SECTION 1. The Fire Department shall consist of a Chief Engineer, three Assistant Engineers, a President, a Secretary, a Treasurer, a Board of Delegates, and such companies as now compose the same, or as hereafter may be admitted thereto, in accordance with the provisions of this Act.

Election. SEC. 2. There shall be an election held on the first Monday of December, A. D. 1857, and thereafter according to their terms of office, for a Chief and three Assistant Engineers. The President of the Department shall call said election, giving ten days' notice thereof in at least two of the daily papers of the city and county. The Board of Delegates shall appoint, to conduct said election, three judges, each from a different company, who, together with their clerks, shall subscribe an oath or affirmation to faithfully discharge their duties. Said judges shall, for the purposes of said election, have power to administer oaths and affirmations; said election shall be held at such place as the Board of Delegates may appoint, from 9 o'clock, A. M., until 5 o'clock, P. M. The returns of said election, duly certified, shall be forwarded to the Secretary of the Department within five days thereafter, and be by him transmitted to the Board of Delegates, who shall convene within ten days thereafter, and declare the result. The person having the highest number of votes for the office of Chief Engineer, shall be declared elected for the term of three years, or until his successor

Place and time of election.

Returns.

Delegates to declare result.

Chief Engineer.

is elected and qualified. The person having the highest number of votes for Assistant Engineer, shall be declared First Assistant Engineer for the term of three years, or until his successor is elected and qualified. The person having the next highest number of votes, shall be declared Second Assistant Engineer for the term of two years, or until his successor is elected and qualified. The person having the next highest number of votes shall be declared Third Assistant Engineer for the term of one year, or until his successor is elected and qualified. Contested elections for Chief and Assistant Engineers shall be decided by a majority of the Board of Delegates; and should a tie vote occur for either of said officers, the Board shall, by a majority of its members, determine between, or the rank of the contesting parties.

SEC. 3. The persons elected to succeed the said Chief and Assistant Engineers, shall hold office for the term of three years, or until their successors are elected and qualified. *Provided*, That when a vacancy occurs in the office of First or Second Assistant Engineers, the officer next below in rank shall succeed to the vacancy, and an election be held to fill the vacancy in the lower office or offices. All succeeding elections for Chief and Assistant Engineers shall be conducted as hereinbefore provided.

SEC. 4. Each and every company shall, at its stated meeting in October, elect two of its members to the Board of Delegates, which Board shall consist of two representatives from each fire company, who, before entering upon the duties of their office, shall take and subscribe an oath or affirmation, (to be administered by the President of the Fire Department,) to well and truly perform the duties of Delegates, as prescribed in the laws governing the Department. They shall assemble on the second Wednesday of November, at seven and a half o'clock, P. M., in the room of the Board, and then and there organize by the election of a President, Secretary, and Treasurer, whose terms of office shall be for one year, or until their successors are duly elected and qualified. They shall make laws for the government of the Fire Department, and all laws made by them shall be binding on every company, officer, or member of the Department; and any company, officer, or member of the Department, who shall violate any of the said laws, or any of the provisions of this Act, or who shall refuse to obey the lawful orders of the Chief or Assistant Engineers, shall, upon complaint, be tried by the Board, and, if found guilty, be censured, suspended, removed from office, or expelled from the Fire Department, as a majority of the Board in its judgment may direct. They shall examine the returns, and declare the result of all Engineers' elections, and give them their certificates of office.

SEC. 5. The President, Secretary, and Treasurer, elected by the Board of Delegates, shall be styled, respectively, the "President, Secretary, and Treasurer of the San Francisco Fire Department," and in all business relating thereto, the President and Secretary shall be empowered to administer oaths and affirmations. The President and Treasurer shall be elected from among the Delegates, and the Secretary from the Department at large. The Secretary, if not a member of the Board, shall take and subscribe an oath to perform the duties of the office faithfully, and in accordance with

First Assistant.

Second Do.

Third Do.

Contested elections.

Proviso.

Succeeding elections.

Board of Delegates.

Oath.

Time and place of meeting.

Make laws.

Laws binding.

Disobedience.

Penalty.

Other duties.

Officers.

Powers.

Oath.

Ex-officio Clerk. the laws of the Department; and he shall be, *ex-officio*, Clerk of the Chief Engineer.

Company composed of. SEC. 6. A company shall be composed of not more than sixty-five nor less than twenty-five males of the full age of twenty-one years—all of whom must be duly registered members of the Department. The officers of a company shall be a Foreman, at least one Assistant Foreman, a Secretary, and a Treasurer. A company desiring admission into the Department, must make application to the Board of Delegates, accompanying such application with a copy of their constitution, signed by at least twenty five males of the age of twenty-one years, the names of their officers, the residence of their members, and the location they desire; and, should the Board, by a vote of a majority of all its members, decide to recommend the admission of such company, the Secretary of the Department shall forward to the Board of Supervisors a certificate of such recommendation, together with the petition of the company, the constitution of the same, the names of the officers and men, their residences, and the location desired. If such recommendation shall receive the approval of the Board of Supervisors, the company shall be declared admitted into the Department, and shall be furnished by the city and county with fire apparatus, and a house for receiving the same; and no petition for the admission of any company shall be entertained by the Board of Supervisors until it shall have received the recommendation of the Board of Delegates.

Admission into Department. Supervisors' approval. SEC. 7. It shall be unlawful for any company or association not belonging to the Department to perform any of the duties of firemen, when said Department, or any portion thereof, is in service, except as hereinafter provided.

City and County to furnish. SEC. 8. Whenever a fire company, by reason of deaths, resignations, or expulsions, shall have reduced its roll to less than twenty-five active registered members, it shall be the duty of the Secretary of the Department to forthwith notify the Chief Engineer, and the foreman of the company of the fact; and it shall be the duty of the Chief Engineer to suspend such company until the next stated meeting of the Board of Delegates, when, unless a majority of the members composing the same decide to reinstate the company, it shall be disbanded.

Unlawful to. SEC. 9. The Board of Supervisors shall have sole power to order work and supplies for the Department, and to locate all cisterns and fire company houses, hereafter to be built. All proposals for the same shall be opened by the Chief Engineer, in presence of a majority of the Committee on Fire and Water, and by them, without unreasonable delay, awarded to the lowest responsible bidder or bidders; all work done for, and supplies furnished said Department, shall be under the supervision of the Chief Engineer and a majority of the Fire and Water Committee, and they shall certify all bills for such work and supplies.

Roll. SEC. 10. Upon the recommendation of the Chief Engineer, the Board of Supervisors are empowered to sell or exchange, under the supervision of the Chief Engineer and the Fire and Water Committee, any engines or apparatus pertaining to the Department and belonging to the city and county, and the proceeds of such sale or sales shall be paid to and credited by the County Auditor to the

Duty of Secretary. **Engineer.** **Majority.** **Supervisors.** **Proposals.** **Power to sell.** **Proceeds. To whom paid.**

Fire Department Fund, and may be appropriated by order of said Board of Supervisors for any necessary purposes connected with the Fire Department; and such amount so received shall not be considered as any part of any amount previously appropriated to the Fire Department Fund, but shall be considered as an extra allowance thereto. How appropriated.

SEC. 11. The Chief Engineer shall report to the Board of Supervisors quarterly, in the months of January, April, July, and October, the number, location and condition of cisterns and fire apparatus, and the state of fire-company houses, and all property of the city in keeping of said Department. Also, all accidents by fire which may have taken place, with the causes thereof, and a description of the property destroyed or injured, with the names of the owners of the same; also, such other information and such recommendations as he may deem proper. He shall furthermore inquire into the causes of all fires, and see that all persons criminally connected therewith are diligently prosecuted by the proper authorities. Chief Engineer. Report.

SEC. 12. The Board of Delegates shall, at their stated meeting in December of each year, elect three persons to serve as Bell-ringers of the city and county hall bell, who shall be governed by such rules as the Board may prescribe, and for a violation of the same, shall be amenable to the Board. Bell Ringers. Rules.

SEC. 13. All fines collected under all fire orders shall be appropriated to the Fire Department Charitable Fund. They shall be paid to the City and County Auditor, who is hereby authorized and instructed to pay over the same to the Treasurer of the Fire Department Charitable Fund, taking his receipt therefor, which receipt shall be deposited in the office of the City and County Auditor. Fines.

SEC. 14. Any member of any fire company belonging to the said Department, who shall have served as an active fireman for the period of five years, and shall produce a certificate of the same, signed by the proper officer or officers of the Fire Department, shall be entitled to receive a certificate as an exempt fireman, which certificate of exemption shall for ever release him, after the date thereof, from jury duty or militia service within this State. *Provided*, That the service which shall entitle such person to the exemption herein provided, shall not date prior to the date of the original certificate of membership of such person of the fire company or companies belonging to the said Department, in which such service shall have heretofore, or may hereafter be, rendered; *And further*, That the date from which said period of five years shall begin, shall be the time when such person became a member of said Department, and shall be proven by the production by such person of a properly authenticated certificate of his membership of some fire company or companies belonging to said Department. Exempt Firemen. Proviso. Proviso.

SEC. 15. Exempt members of the Department may organize themselves, to be known and designated as the "Exempt Fire Company." Upon the recommendation of the Board of Delegates and the approval of the Board of Supervisors, they shall be provided by the city and county with a house, and fire apparatus, and shall be subject to the laws of the Department, and the direction of its officers; they shall be entitled to equal relief from the Fire Exempt Fire Company. Subject to laws.

No vote.

Department Charitable Fund; but they shall have no vote, or other representation, in the Department.

SEC. 16. All laws or parts of laws, so far as the same may conflict with the provisions of this Act, are hereby repealed.

CHAPTER XCI.

AN ACT

To amend an Act entitled "An Act to organize the County of Plumas," passed March 18th, 1854.

[Approved March 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eleven of the above entitled Act, shall be amended so as to read as follows :

Salary of County Judge.

The County Judge of Plumas County, shall receive for his services as Judge of said county, two thousand dollars per annum.

SEC. 2. This Act shall take effect from and after the 18th day of March, A. D. 1858.

CHAPTER XCII.

AN ACT

To change and fix the County Seat of the County of Yolo.

[Approved March 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County seat changed.

SECTION 1. That from and after the first day of June, A. D. eighteen hundred and fifty-seven, the county seat of said County of Yolo, shall be, and is hereby changed from the town of Washington, (the present county seat of said county,) to a place on Cache

Creek, in said county, heretofore, and now known as "Hutton's," but which shall be known and thereafter called by the name of Cacheville; and said Cacheville is hereby declared to be the county seat of said County of Yolo, from and after the first day of June, aforesaid.

To be called
Cacheville.

SEC. 2. It shall be the duty of the Board of Supervisors of said county, and they are hereby required, at their regular meeting, to be held on the first Monday of May, A. D. eighteen hundred and fifty-seven, to make an order, and cause the same to be duly entered upon the records of the Board, requiring the County Clerk of said county, (who is *ex-officio* County Recorder and Clerk of the Board of Supervisors,) the Sheriff and Treasurer of said county, to safely transfer all the office, and other furniture belonging to said county, and all records, papers, books and maps pertaining to the District, County, and Probate Courts, Court of Sessions, County Records, and County Treasurer's office, on the first day of June, A. D. eighteen hundred and fifty-seven, to the said Cacheville, the county seat aforesaid, and thereafter allow and order to be paid to said County Clerk, Sheriff, and Treasurer, a reasonable compensation to defray the necessary expenses of such removal.

Supervisors.

County Clerk,
Sheriff, and
Treasurer.

To transfer
books, papers,
&c. to Cacheville.

SEC. 3. It is hereby made the duty of said Clerk, Sheriff, and Treasurer, to obey and comply with the order so made by the Board of Supervisors, as provided in the preceding section, who shall severally be liable, as in other cases of malfeasance in office, for any neglect or refusal to comply with such order.

Duty of Clerk,
Sheriff, and
Treasurer.

SEC. 4. The Board of Supervisors, and the several officers aforesaid, shall not be required to comply with the foregoing provisions of this Act, unless the proprietors or owners of the land in said Cacheville shall make, execute, acknowledge and tender or deliver to the said Board of Supervisors, at their regular meeting in May, A. D. eighteen hundred and fifty-seven; which said Board are hereby required to hold, a good and sufficient deed, conveying to said County of Yolo a lot of land, not less than three hundred feet square, eligibly situated for county buildings, in said Cacheville; and also a lease for suitable buildings in which to hold the several courts and offices above named, for the term of one year, free of rent or charge to said county.

Conditions.

Amount of land.

SEC. 5. If, from any cause, said Board of Supervisors shall fail to meet, and hold a regular term or meeting in May, A. D. eighteen hundred and fifty-seven, as now required by law, and fail to make the order required by this Act, then the proprietors or owners of said Cacheville may tender or deliver said deed and lease to the County Judge of said county, by the fifteenth day of May, A. D. eighteen hundred and fifty-seven, who is hereby authorized to receive said deed and lease, on behalf of said county, and required to make under his hand, with the seal of the County Court attached, the order, by section two of this Act, required of the Board, and which shall in all respects be obeyed, and have the same effect upon, and bind the officers to the same extent as if made by the said Board of Supervisors.

Supervisors fail
to meet.

Deed and lease
to County Judge.

Provisions.

SEC. 6. The term "suitable buildings," mentioned in section four of this Act, shall be construed to mean, that the buildings so leased to the county, shall be as good as the one now occupied by the officers and courts of said county.

Term, how
construed.

Repeal.

SEC. 7. All Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

CHAPTER XCIII.

AN ACT

Amendatory of an Act entitled "An Act to amend an Act to provide Revenue for the Support of the Government of this State, passed May 15th, 1854," approved April 27th, 1855.

[Approved March 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That section first of an Act entitled "An Act to amend an Act entitled an Act to provide Revenue for the Support of the Government of this State, passed May 15th, 1854," approved April 27th, 1855, is hereby amended so as to read as follows:

Ad valorem tax. Section first. An *ad valorem* tax of seventy cents upon each one hundred dollars, shall be levied upon the assessed value of real and personal property in this State, subject to taxation, to be collected and paid into the general fund, in the legal coin of the United States, as is hereinafter provided; and such additional tax, not to exceed fifty cents on each one hundred dollars, as the Board of Supervisors of each county may direct to be levied; and such special and other taxes as may be by law authorized to be collected, by any county in this State, shall be levied for county purposes, upon the objects of taxation hereinafter named, in the Act aforesaid.

Additional tax.

Special taxes.

CHAPTER XCIV.

AN ACT

To provide for the Issuing of Licenses to Passenger Brokers.

[Approved March 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Each and every person, whether as agent or otherwise, who within this State shall sell tickets of passage, or make and enter into any agreement, contract, or memorandum of a contract or agreement, to sell tickets of passage for the transportation by any means whatsoever, on the ocean, in whole or in part, of any person or persons, from any place in this State to a place or point out of the limits thereof, or from any place or point out of this State, by land or water, or both, to any other place also out of the limits thereof, shall be deemed and held, for the purposes of this Act, to be a Passenger Broker, and shall be previously licensed as such, in the manner and mode as hereinafter provided.

Business of.

Passenger
Brokers.
License.

SEC. 2. From and after the second of April next, and monthly thereafter, each Passenger Broker shall apply to the County Auditor for a license to pursue his said business, accompanying his application with a sworn statement, specifying the aggregate amount of the gross proceeds of sales, if any there be, arising out of his business for the previous month, and an estimate of the amount of the gross proceeds of sales for the next ensuing month, and further designating the city or county in which said business will be followed; and the County Auditor, upon receiving said application, is hereby required to give to the applicant his written direction to the County Treasurer to issue a license to the said Passenger Broker, upon the receipt of a sum of money to be designated in said written direction, which sum shall be equal to one per centum on the estimated amount of the gross proceeds of sales, as set out in the sworn statement, and thereupon the said County Auditor shall charge the County Treasurer with the amount due on said license; but upon its appearing that the said license was not issued, the latter shall then be discharged. Upon the receipt of said written direction, and payment of the sum of money therein specified, for the use of the general fund of the State, the County Treasurer shall make out and deliver a license to the party applying to pursue the business of a Passenger Broker, for one month from date.

Statement of
proceeds.

Auditor's
direction.

Amount paid for
license.

Term of license.

SEC. 3. Upon any application for a license as aforesaid, on the second of May next, and each month thereafter, the County Auditor is required to examine the sworn statement of the applicant, showing the gross proceeds of sales in his business for the last month, and if the aggregate of these sales exceed by ten per cent. the estimate upon which the license for the preceding month was issued, then the County Auditor is required to add to the amount

Examine state-
ments.

of the license for the ensuing month, a sum equal to one per centum upon the excess of the receipts of the last month over the said estimate, and to express this amount in his written direction to the County Treasurer, who shall only issue the license as aforesaid upon the payment of the entire sum specified by the said Auditor.

Compensation of Treasurer and Auditor SEC. 4. The County Treasurer shall be authorized to demand and receive, before issuing the license, the additional sum of one dollar, for his own use, and one dollar for the services rendered by the County Auditor.

Brokers not licensed liable to fine. SEC. 5. Any person pursuing the business of Passenger Broker in this State, without previously having a license therefor, as herein provided, shall be liable for each and every day he may pursue the said business without the said license, to a fine of five hundred dollars, to be recovered in any court of competent jurisdiction, in the name of the People of the State, on the relation of any citizen thereof, one-half of which said fine shall be for the use of the State, and the other half for the use of the relator.

Amount.
How recovered. SEC. 6. Any person pursuing the business of a Passenger Broker, without having previously obtained license, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by fine not exceeding two thousand dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment; and every person or persons who shall connive at, or aid any person or persons in violating this Act, or any person or persons who knowingly shall derive gain or advantage for themselves personally, or as agents or otherwise, by conniving at, aiding or assisting any person so violating this Act, shall be considered guilty of a misdemeanor, and, upon conviction, punished as aforesaid. Any person presenting or making a false sworn statement to the County Auditor, as herein provided, shall be deemed guilty of perjury, and, upon conviction, shall be subject to the pains and penalties thereof.

Misdemeanor.
Penalty. SEC. 7. If any person taking out a license as aforesaid, should fail to apply to obtain a license for the next ensuing month, and if the amount of the gross proceeds of his business for the month so licensed exceed his sworn estimate by ten per cent. or over, it shall be his duty, within one week after the termination of the said month, to pay one per cent. upon said excess to the County Treasurer; and if he neglect so to do, he shall be subject to a fine of one thousand dollars, to be recovered in the same manner, and disposed of in the same proportion as is provided for by section five of this Act.

Perjury.

Duty of persons failing to obtain license.

Neglect, how punished.

CHAPTER XCV.

AN ACT

To enforce more effectually the attendance of Witnesses on the Summons of either House of the Legislature of this State, and to compel them to discover Testimony.

[Approved March 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person summoned as a witness, by the authority of either House of the Legislature of California, to give testimony, or to produce papers upon any matter before either House, or any Committee of either House of the Legislature, who shall wilfully make default, or who appearing, shall refuse to answer any question pertinent to the matter of inquiry in consideration before the House or Committee by which he shall be examined, shall, in addition to the pains and penalties now existing, be liable to an indictment as for a misdemeanor, in any court in the State of California having jurisdiction thereof, and on conviction, shall pay a fine not exceeding one thousand dollars, nor less than two hundred dollars, and suffer imprisonment in the common jail not less than twelve months, nor more than eighteen months. *Provided*, No person shall be prosecuted in any case under this Act, except by the express order of the House or Senate, as the case may be.

SEC. 2. No person examined and testifying before either House of the Legislature, or any Committee of either House, shall, by reason only of such examination or testimony, be held to answer criminally in any court of justice, or subject to any penalty or forfeiture for any fact or act touching which he shall be required to testify before either House of the Legislature, or any Committee of either House, as to which he shall have testified, whether before or after the date of this Act; and that no statement made, or paper produced by any witness before either House, or before any Committee of either House, shall be competent testimony in any criminal proceedings against such witness in any court of justice; and no witness shall hereafter be allowed to refuse to testify to any fact, or to produce any paper touching which, he shall be examined by either House of the Legislature, or any Committee of either House, for the reason that his testimony touching such fact or the production of such paper may tend to disgrace him, or otherwise render him infamous. *Provided*, That nothing in this Act shall be construed, to exempt any witness from prosecution and punishment for perjury committed by him in testifying as aforesaid.

SEC. 3. When a witness shall fail to testify, as provided in the previous section of this Act, and the facts shall be reported to the House or Senate, it shall, if the House or Senate so order, be the duty of the Speaker of the House, or the President of the Senate, to certify the fact to the Attorney General of this State,

- Grand Jury.** or District Attorney of Sacramento County, whose duty it shall be to bring the matter before the Grand Jury of Sacramento County, for their action.
- Summons.** SEC. 4. The summons mentioned in section one of this Act, shall be sufficient, if it contain the following matter: 1st. It shall state whether the proceeding is before the Assembly or Senate, or a Committee. 2d. It shall be addressed to the witness or witnesses. 3d. It shall require the attendance of such witness or witnesses, at a time and place certain. 4th. It shall be signed by the President of the Senate, Speaker of the Assembly, or Chairman of a Committee, as the case may be. The summons may be
- By whom served.** served by any person who might be a witness in the matter, and his affidavit of service by delivering a copy to the witness, shall be sufficient evidence of such service.
- Refusal to appear and answer** SEC. 5. If any witness shall neglect or refuse to obey such summons, or appearing, shall neglect or refuse to testify to any matter touching the inquiry then before such Committee, Senate, or Assembly, the Senate or Assembly, as the case may be, shall and may, in addition to the pains and penalties hereinbefore mentioned by resolution entered on the journal, commit such witness
- How punished.** as for contempt, and such witness shall be imprisoned until he shall comply with the order of the Senate, Assembly, or Committee, which imprisonment shall not be a bar to proceedings under the foregoing sections of this Act, and if such witness neglect or refuse to attend in obedience to summons, he may be arrested by the Sergeant-at-Arms, and brought before the Senate or Assembly, as the case may be. *Provided*, That the only warrant or authority necessary to authorize such arrest, shall be a copy of a resolution of the Senate or Assembly, signed by the President of the Senate, or Speaker of the Assembly, and countersigned by the Secretary or Clerk. Such resolution may be entered on the report of a Committee.
- Arrest.**
- Proviso.**

CHAPTER XCVI.

AN ACT

To fix the Time of holding the Courts of Sessions and the County Courts of Sacramento County.

[Approved March 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Court of Sessions SECTION 1. The Court of Sessions and the County Courts, in the County of Sacramento, shall be held quarterly, as follows, to

wit: The Court of Sessions of said county, shall meet on the first Term.
 Mondays of January, April, July and October, of each year, and
 shall continue until all the business shall be completed; and the
 County Courts of said county, shall meet on the first Mondays of County Court
 March, June, September and December of each year, and continue Term.
 till all the business is completed.

SEC. 2. All laws inconsistent with this Act, are hereby re- Repeal.
 pealed.

CHAPTER XCVII.

AN ACT

*To authorize the Executor or Administrator of the Estate of
 Josefa Soto de Stokes, deceased, to sell the Real Estate of said
 Deceased at Public or Private Sale.*

[Approved March 25, 1857.]

*The People of the State of California, represented in Senate and
 Assembly, do enact as follows :*

SECTION 1. The Executor or Administrator of the estate of Authority to sell
 Josefa Soto de Stokes, deceased, late of the County of Monterey,
 is hereby authorized to sell the real estate of said deceased, or any
 parts or portions thereof, or any right, title, or interest belonging to
 deceased in her lifetime, on such terms, and in such manner, at Terms.
 public or at private sale, as may be most advantageous to said
 estate. Such sales shall be made under order of the Probate
 Court, and shall not be definitive until reported to and approved
 by said Court. *Provided*, That ten days' notice of the application Provido.
 for approval of such sale shall be given, by posting in three public
 places in the county.

SEC. 2. After the approval of the sale by the Probate Court, Conveyance.
 said executor or administrator shall make to the purchasers a con-
 veyance of the lands, rights, titles, or interests sold, which convey-
 ance shall be valid and binding.

SEC. 3. When any sale is made on credit, at least one-fourth of Sale on credit.
 the purchase-money shall be paid before confirmation or approval
 of the sale, and the balance shall be paid within two years, and
 shall draw interest at not less than the legal rate; and the faithful
 payment of such balance shall be secured by promissory notes, and
 by mortgage upon the premises sold.

SEC. 4. The Executor or Administrator shall give security, to Executor give
 be approved by the Probate Judge, for the lawful and faithful security.
 application of the money arising from the sales herein authorized;
 and when such sales are reported to the Court for approval, if the

Sales not approved, new one ordered.

Judge be satisfied that the price is disproportionate to the value of the property sold, and that a price can be obtained at least ten per cent. higher, he shall not approve or confirm the sale, but shall order a new sale of the property.

CHAPTER XCVIII.

AN ACT

Concerning the Harbor Master of the Port of San Francisco.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Harbor Master.	SECTION 1. There shall be elected by the qualified electors of the City and County of San Francisco, at the next general election, and at the general election every two years thereafter, one Harbor Master for the said port of San Francisco, who shall appoint a Deputy Harbor Master, for whose official acts he shall be responsible. The said Harbor Master shall receive as full compensation for his salary, and the salary of his said Deputy, and for office rent, and all other expenses of his office, the sum of five thousand dollars per annum, payable by the said city and county, not oftener than once a month. The said Harbor Master shall enter upon the duties of his office on the first day of January next after his election, and the term of his office shall be and continue two years from that day, and until his successor shall be elected and qualified. But no portion of said salary shall ever be paid or allowed, when an amount of harbor dues equal to the amount of salary demanded shall not have been previously duly collected and paid over within the same period for which salary is demanded and unpaid.
Deputy.	
Salary.	
When payable.	
Enter on duty	
Term.	
Salary not to be paid.	
Vacancy, how filled.	SEC. 2. Whenever a vacancy shall occur in said office, the same shall be filled by a majority of the Board of Supervisors of the said city and county, and the person so chosen by said Board to fill such vacancy, shall hold his office until the next general election, and until his successor is qualified.
Bond necessary.	SEC. 3. No person shall be qualified to act as such Harbor Master, until he shall have duly executed and delivered his official bond, with two or more sureties, who are freeholders in said county, in the sum of ten thousand dollars, payable to the said city and county, approved by a majority of the said Board of Supervisors, said approval to be attested by the President of said Board officially, and conditioned for the faithful discharge of his duties as such officer, and his strict compliance with the duty required of him by this Act.
Amount.	

SEC. 4. It shall be the duty of the Harbor Master to superintend and enforce the execution of all laws of this State, and ordinances of the city and county of San Francisco, not conflicting with said laws, in relation to the removal of obstructions from the harbor, the cleaning of the docks and wharves, and the prevention and removal of nuisances in or upon them; also, to take in charge all abandoned or sunken vessels, and all boats picked up adrift, and place the same in safety, after which he shall advertise for one week, in one of the daily newspapers printed in said county, the full particulars pertaining to the same, and request all parties interested to appear and make good their claims, within twenty days from the last day of advertising. If claimed within the said twenty days, such property shall be delivered to the owner on payment of all costs of removing and securing the same, and of advertising. If not claimed within that time, or if the owner fails to [pay the] costs, such property shall be sold by the Harbor Master to the highest bidder at public auction, and the proceeds, deducting all costs, shall be paid to the owner; or if not claimed by the owner, to the Treasurer of the city and county of San Francisco, for the use of said city and county; but the owner shall be entitled to receive from the said Treasurer the amount so paid to him, if he shall claim the same within one year from the date of such payment.

Duty of Harbor Master.

SEC. 5. All harbor dues, fees, fines and forfeitures, under this Act, which shall be collected, recovered, and received by the Harbor Master of the said port, shall be for the use of said city and county of San Francisco, and shall be well and truly accounted for, and paid into the treasury of said city and county, by the said Harbor Master, at least as often as once every week, and under such supervision, orders or directions, to insure a faithful and regular accounting therefor, as the Board of Supervisors of said city and county may adopt. And the said Treasurer of said city and county shall keep an account of such receipts, and receive all sums for harbor dues when payment thereof shall be tendered at his office.

Harbor dues, fees, &c., to be paid into the Treasury.

Time specified.

Treasurer to keep amount of receipts.

SEC. 6. The Harbor Master of said port shall have full authority to regulate and station all ships, steamers, and other vessels in the harbor of San Francisco, and to remove from time to time, such ships, steamers, and other vessels as are not engaged in receiving or discharging cargo. As to the fact of their being employed in receiving or discharging cargo, the Harbor Master shall be the Judge. But he shall be liable for damages to any party aggrieved by such decision.

Authority of Harbor Master.

SEC. 7. If any master, owner, agent, or other person having charge or control of any ship, steamer, or other vessel shall refuse or neglect to obey the directions of the Harbor Master in any matter pertaining to the regulations of said port, or removal and stationing of vessels therein, such master, owner, agent, or other person so refusing or neglecting, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered, with costs of suit, before either the Fourth or Twelfth District Courts, or not exceeding two hundred dollars if sued for before the Police Judge, upon whom full and ample jurisdiction in such case is hereby conferred, or any Justice of the Peace in said city and county, by an action, in the name of said city and county, and said Harbor Master shall

Refusal to obey.

Forfeit.

Amount.

Ship and owners liable.	be a competent witness in the case; and for the amount which shall be recovered, such ship, steamer, or other vessel, and the owners thereof, shall be liable.
Harbor dues.	SEC. 8. The Harbor Master is hereby authorized to demand and receive from the owners, masters, agents, or consignees of all ships, steamers, or other vessels entering the said port of San Francisco, except as herein otherwise provided, four cents per ton, to be computed from their register or enrollment at the custom house, the same to be paid within forty-eight hours after the said ship, steamer, or other vessel enters into said port.
Amount.	
When paid.	
Dues of vessels within the State.	SEC. 9. All vessels plying between the said port of San Francisco and any place within the State, or within the territories of Washington or Oregon, shall be liable to pay, and the Harbor Master is authorized to demand and receive from the masters, owners, or agents thereof, not exceeding two cents per ton, once every three months, computing from the custom house register or enrollment of each vessel, and the same shall be due and payable quarterly, in advance, at the commencement of each and every three months, from the first day of January of each year.
When due and payable.	
Whaling vessels.	SEC. 10. No fees or harbor dues whatever, shall be demanded or collected from any vessel actually engaged in the whale fishery.
License not shown, Harbor Master to rate tonnage.	SEC. 11. Whenever harbor fees are payable, and the custom-house register, enrollment or license is not exhibited to the Harbor Master when demanded by him, showing officially the tonnage of the vessel to be rated by him, he shall rate the vessel at any tonnage he pleases, not exceeding five times her custom-house measurement, and the vessel, and her owner, shall be liable to pay fees as if the vessel was actually of the tonnage so rated.
Vessel and owner liable.	
Dues where payable.	SEC. 12. The harbor dues shall be payable in all cases at the Harbor Master's office, within the time specified in the preceding sections. If not paid within said time, the Harbor Master shall charge double the amount of said fees, and in all such cases the owner and vessel shall be liable in said double amount imposed, and the amount may be recovered by an action, in the name of the city and county of San Francisco, in any court of competent jurisdiction in said county; and the Harbor Master shall be a competent witness. But if it be made to appear, in any such case, that the failure to pay was accidental and not intentional, the Board of Supervisors may, in their discretion, relinquish the charge for double fees, upon the payment of a smaller sum, but not less than the amount of single fees, and costs of all proceedings instituted for the collection of the same.
Failure to pay, how recoverable.	
Failure accidental, single fees and costs.	
Port of San Francisco.	SEC. 13. The port of San Francisco, so far as the duties, rights and powers of the Harbor Master, as defined in this Act, are concerned, shall be understood and construed to extend from high water mark at Fort Point, near the mouth of the Bay of San Francisco, thence up said Bay to the boundary of said county on the south, and to the distance of one marine league into the Bay, from high water mark, between said Fort Point and said southern boundary of said city and county.
Boundaries.	
Controversies.	SEC. 14. The Harbor Master is authorized and empowered to hear and determine any controversy in cases of collision, which may be submitted to him by consent of the parties interested, and when damages are allowed by him not exceeding three hundred

dollars, his decision shall be final. For the hearing and determination of any such case, he shall be entitled to ten dollars. Decision when final.

SEC. 15. The Harbor Master shall keep an office in some suitable and convenient place between Vallejo and Market streets, and east of Battery street, in said city and county, which office shall be kept open for the transaction of business pertaining to the office, from ten o'clock, A. M., till four o'clock, P. M., every day, Sundays excepted. Location of office. Office hours.

SEC. 16. The present Dock Masters for the port of San Francisco, shall respectively continue in office for one year from the first day of January, A. D. 1857, and until a Harbor Master shall be elected and entered upon the duties of his office, but no longer; and within ten days after the passage of this Act, they shall give a like official bond, and they shall in all things be subject to the requirements, except as to the payment of their salaries, and perform the same duties as are hereinbefore required of a Harbor Master. Dock Masters. Term of office.

SEC. 17. The present Dock Master, or any future Harbor Master, may commence and prosecute any action in the name of the city and county of San Francisco, in any court of competent jurisdiction, against any and all persons at present indebted for harbor dues in said city and county, and may enforce in the usual form as in other actions any judgment so recovered against the vessels, and the owners and masters thereof being liable, and they shall be entitled to receive not exceeding twenty-five per cent. on all sums so collected, said twenty-five per cent., or so much thereof as may be necessary to be used by said Dock Master or Harbor Master in defraying the expenses of counsel or other fees in the prosecution of said suits. Harbor Master may bring action. Recover judgments. Counsel fees.

SEC. 18. The Act entitled "An Act regulating the duties of Harbor Master of the port of San Francisco," approved May 1st, 1852, and all Acts or parts of Acts inconsistent with this Act, are hereby repealed. Repeal.

CHAPTER XCIX.

AN ACT

To amend "An Act concerning Evidence," passed February 5th, 1856.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of said Act is hereby amended so as to read as follows:

Records, &c.,
required as
evidence.

Section one. Whenever the public records, books or papers, in the "custody" of any Collector of Customs of the United States, or of the Register or Receiver of any Land Office of the United States, in this State, or in the office of the Surveyor-General of the United States for the State of California, or in the office and in the custody of the Clerk of the Circuit or any District Court of the United States for the State of California, shall be required as evidence in any court of this State, copies of such records, books or papers, duly certified by the proper officer, under his hand and official seal, where he has a seal, shall be received in evidence with the same force and effect as the originals.

Certified copies
received.

CHAPTER C.

AN ACT

To amend Section six of an Act to provide for the erection of a Jail in the County of Tuolumne, passed April 18th, 1856.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of an Act to provide for the erection of a Jail in the County of Tuolumne, passed April eighteenth, eighteen hundred and fifty-six, is hereby amended so as to read as follows:

Section six. The Board of Supervisors of the County of Tuolumne, are hereby authorized and required, after the passage of this Act, to levy a special tax upon the taxable property in the county, not exceeding one-fourth of one per cent. on the valuation; and all moneys collected under this Act, shall be set apart and held as a "Special Jail Fund," to be used only as herein provided.

Supervisors
levy tax.

Amount.

CHAPTER CI.

AN ACT

To amend an Act entitled "An Act to adjust the amount of Indebtedness of the County of Alameda, to the County of Contra Costa, and provide for the payment thereof," passed May 15th, 1854.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of "An Act to adjust the amount of Indebtedness of the County of Alameda to the County of Contra Costa, and provide for the payment thereof," passed May 15th, 1854, is hereby amended so as to read as follows:

Section one. B. C. Whitman, of Solano County, John H. Livingston, of Contra Costa county, and Samuel Bell McKee, of Alameda County, are hereby appointed a Board of Commissioners, to ascertain and adjust the amount of indebtedness of the County of Alameda to the county of Contra Costa. Commissioners appointed.

SEC. 2. Section second of said Act, is hereby amended so as to read as follows:

Section second. Said Commissioners shall appoint a time and enter on the discharge of their duties, under this Act, within ninety days after its passage, at the town of Martinez; and shall notify the County Clerks of Contra Costa and Alameda counties, of such time, by mail, and at the time appointed, or such other time thereafter, as they may designate, they shall proceed to ascertain the amount of indebtedness of the said County of Contra Costa, which had accrued prior to the twenty-third day of March, eighteen hundred and fifty-three, and to award a just and equitable proportion of said indebtedness, with all interest that may have accrued thereon, to be paid to the County of Contra Costa, by the County of Alameda. Clerks notified.
Indebtedness.
Award.

SEC. 3. Section third of said Act is hereby amended so as to read as follows:

Section third. Said Commissioners shall certify their award to the Board of Supervisors of Alameda County, and said Board are hereby authorized and required, in the year eighteen hundred and fifty-seven, to levy a special tax, for the payment in cash, of one-half of the amount of said award, with ten per cent. per annum interest thereon, into the county treasury of Alameda County, which said amount shall be paid by the Treasurer of Alameda County to the order of the Treasurer of Contra Costa County, on or before the first day of March, eighteen hundred and fifty-eight. Certified to Supervisors.
Tax.
Amount.

SEC. 4. Section fourth of said Act is hereby amended so as to read as follows:

Section fourth. The Board of Supervisors of Alameda County, shall, in like manner provide, in the year eighteen hundred and fifty-eight, for levying, collecting and paying over in cash, on or Balance of award.

When paid.

before the first day of March, eighteen hundred and fifty-nine, the balance of said award, with all interest that may have accrued thereon, with ten per cent. per annum interest on the award, until paid, to the County of Contra Costa, upon the order of the Treasurer of said county, as aforesaid.

CHAPTER CII.

AN ACT

Concerning Hogs found running at large, in the Counties of Colusi, Tehama, Butte, Sonoma and Napa.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Hogs trespassing.

Taken up at expense of owners.

Notice given.

Description.

Owners prove property.

Pay costs, &c.

Owners not appear.

Sold at auction.

Proviso.

Parties disagree

SECTION 1. All hogs found trespassing, upon the premises of any person or persons, in the counties of Tehama, Colusi, Butte, Napa and Sonoma, between the first day of March, and the first day of September, of each year, the owner or proprietor of such premises, may take up, and safely keep, at the expense of the owner or owners thereof, all such hogs so found trespassing.

SEC. 2. All persons taking up hogs trespassing upon their lands, whether enclosed or not, shall, immediately thereafter, post notices in three of the most public places in the township in which such persons reside, containing a description of the ear and other marks, of such hogs, whereby the owners may identify them as their property.

SEC. 3. If the owners of such hogs come forward, within five days after the time such notices were posted, and prove them to be their property, the person taking them up, shall deliver them to such owners upon their paying all costs, charges, and damages sustained, by reason of their trespassing.

SEC. 4. If, however, the owners do not come forward within the five days, then the person taking up such hogs, shall immediately notify a constable of the township, wherein the trespass has been committed, and said constable shall proceed to sell at public auction, after giving five days' notice of such sale, by posting notices in three public places, in said township, all such hogs so taken up. *Provided, however,* That the owners may prove their property, and receive the same, by paying all costs, charges, and damages, at any time before such sale takes place.

SEC. 5. If the parties cannot agree as to the amount of charges and damages, then each party may choose one disinterested person, and they may choose a third person, who shall determine the

amount thereof; should the owners not come forward, then the constable shall appoint three disinterested persons to determine the amount. Arbitrators.

SEC. 6. The fees of the constable for making sales under the provisions of this Act, shall be the same as are allowed by law for sale under execution. Fees.

SEC. 7. If there should be any surplus money arising from such sales, after paying all costs, charges, and damages, the constable shall pay the same to the owners of such hogs sold. *Provided*, They prove they are entitled to it, within fifteen days after sale, if not, then he shall pay it to the County Treasurer, taking his receipt for the same. Surplus paid owner. Proviso.

SEC. 8. All moneys paid into the County Treasury, under the provisions of this Act, shall become a part of the "School Fund." School Fund.

SEC. 9. Any constable refusing or neglecting to pay to the owners, or County Treasurer, the surplus derived from such sale, shall be liable for the same, on his official bond, and shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine, not exceeding one hundred dollars. Misdemeanor. Punishment.

SEC. 10. All Acts, or parts of Acts, inconsistent with the provisions of this Act, so far as regards the within named counties, be, and the same are hereby repealed. This Act to take effect and be in force, from and after its passage. Repeal.

CHAPTER CIII.

AN ACT

Amendatory of An Act entitled "An Act amendatory of An Act to fund the Debt of Contra Costa County, and to provide for the payment of the same, approved February fourteenth, eighteen hundred and fifty-five, (approved April thirtieth, eighteen hundred and fifty-five.)"

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section ten of "An Act to fund the Debt of Contra Costa County, and to provide for the payment of the same," approved February fourteenth, eighteen hundred and fifty-five, is hereby amended so as to read as follows:

Section ten. It shall be the duty of the Board of Supervisors of Contra Costa County to make certain arrangements for the payment of the interest on said Bonds when the same shall fall due, at least sixty days before the time of payment, and in the event Supervisors' duty. Payment of interest

Fund insufficient, draw on General Fund.

Supervisors have power.

Loan necessary.

Interest on loan.

Proviso.

that the said interest fund is insufficient, the said Board of Supervisors shall draw a warrant on the County Treasurer of Contra Costa County, on the general fund of said County, for such purpose, and said County Treasurer shall forthwith pay such warrant; and in the event that those funds prove inadequate, the said Board of Supervisors are hereby authorized and empowered to make such contracts and arrangements in the name, behalf and for said County, as may be necessary to pay said interest, and for the protection of the faith of the County of Contra Costa. *Provided*, That in the event it shall become necessary to procure a loan of any money to meet any deficiency in the "interest fund" of said County, in no case whatever shall a higher rate of interest be paid on such loan than ten per cent. per annum. And it is *further provided*, That the said Board of Supervisors shall have first drawn from the County Treasury such sums as may be in said Treasury, subject to, and provided for the payment of said interest, by the provisions of this Act.

CHAPTER CIV.

AN ACT

To define the Lines of Yolo County, and to establish its Boundaries.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Boundaries.

SECTION 1. The boundary line of Yolo County shall commence at a point in the middle of Sacramento River, near the head of Merritt's, or Steamboat Slough, at a point where the township line between township number five and township number six, north of the Monte Diablo base line, intersects said river; thence running due west with said township line to the range line between range number two and range number three, east of the meridian of Monte Diablo; thence due north with said range line to the south branch, or old bed of Putah Creek; thence westerly up the middle of the old bed, as well as the main Putah Creek, to a point in the cañon where the highest ridge of mountains, dividing the valleys of Sacramento and Berryessa; thence along the highest ridge of said mountains, north to the outlet of Clear Lake, or until it intersects a line dividing the counties of Yolo and Colusa, established by an Act of the Legislature approved April 19th, 1856; thence east, with said line, to the middle of the Sacramento River; thence south along the middle of said river to the place of beginning.

Repeal.

SEC. 2. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAPTER CV.

AN ACT

Supplemental to, and amendatory of, an Act entitled "An Act to alter and define the Boundary Line of Tehama County," approved February 19th, 1857.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of said Act is hereby amended so as to read as follows:

The County of Tehama shall be bounded as follows, to wit: Boundaries.
Beginning at the first section line north of Rogers' House, on the Sacramento River, and running west on that line to where it is crossed by Stony Creek; thence up the middle channel of said creek, to the mouth of the North Fork of said creek; up the middle channel of the said North Fork, to the summit of the Coast Range; thence up the Coast Range to the Middle Fork of Cottonwood Creek, and down the center channel of said creek, to where it empties into the Sacramento River; thence to the mouth of Butte Creek; up the middle channel of said creek to the western line of Plumas County; thence on said line, southerly, to the line of Butte County; and down said line to the head branch of Mud Creek; and down the center channel of said creek, to where it disappears; thence in a direct line to the place of beginning.

CHAPTER CVI.

AN ACT

To provide for Funding the Indebtedness of the County of Yuba.

[Approved March 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In order to fund the indebtedness of the County of Yuba, the Chairman of the Board of Supervisors, the County Auditor and County Treasurer of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled Funding Com-
missioners.

the "Funding Commissioners" of the County of Yuba, and shall have and exercise the powers, and perform the duties hereinafter provided.

Duty. SEC. 2. It shall be the duty of said Funding Commissioners to cause to be prepared, bonds, in not less than the sum of one hundred dollars, nor more than five hundred dollars each, bearing interest at the rate of eight per cent. per annum, from the date of their issue. Said bonds shall be made payable at the office of said Treasurer, or in the city of New York, at the option of the creditor to whom the same is issued, on the first day of January, one thousand eight hundred and seventy-three. The interest accruing on said bonds shall be due and payable on the first day of January next, after which time the interest shall be due and payable on the first day of July and January of each year, until said bonds shall be paid and liquidated; the interest on said bonds shall be made payable at said Treasurer's office or in the city of New York, at the option of the person to whom such bond or bonds may issue. Said bonds shall be signed by the Chairman of the Board of Supervisors of said county, and countersigned by the County Auditor, and indorsed by the County Treasurer, and shall be under the seal of the county.

Sum of bonds.

Rate of interest.

When and where payable.

Interest, when payable.

Bonds, how signed.

Coupons, how signed. SEC. 3. Coupons, for the interest, shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the Chairman of the Board of Supervisors and the County Treasurer. Where any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same over to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

When detached.

Receipt of Auditor.

Persons entitled to privilege of funding. SEC. 4. All persons having any indebtedness of the County of Yuba, payable on or before the first day of July, one thousand eight hundred and fifty-seven, whether in warrants drawn upon the Treasurer, or accounts audited and allowed by the Board of Supervisors, or in judgments, shall be entitled to the privilege of funding the same, by virtue of this Act.

Date of bonds. SEC. 5. The said bonds shall bear the date of the day of their issuance, and the first coupons shall be for the interest from such date, up to the first day of January, one thousand eight hundred and fifty-eight.

First coupons.

Separate records of bonds. SEC. 6. It shall be the duty of the Treasurer and Auditor of said County, each, to keep a separate record of all such bonds as may be issued, showing the number, date and amounts of said bonds, and to whom the same were issued, and where payable, as well the principal as the interest thereon. It shall also be the duty of said Treasurer and Auditor, each, to keep a separate record of all the indebtedness of said county funded under the provisions of this Act, showing the nature of the same, whether warrants, audited or certified accounts, or judgments, and to whom issued, the date and amount thereof, and by whom presented, and the time of funding the same.

Of indebtedness.

Amount of.

Treasurer to indorse. SEC. 7. It shall be the duty of the County Treasurer of said county to indorse, over his signature, as such Treasurer, on the back of such warrants, audited or certified accounts, and on the

back of a certified copy of all judgments funded under this Act, the words "Canceled by Funding," with the date thereof, and deliver the same over to the County Auditor, who shall receipt to the Treasurer, and file the same in his office.

Auditor receipt and file.

Sec. 8. The said Commissioners, before funding any judgment against said county, shall see that satisfaction thereof is entered of record in the Clerk's office where said judgment or judgments were originally entered.

Judgments funded.

Sec. 9. The said Funding Commissioners, previous to the making out of the duplicate of the general assessment list for said county, in each and every year, shall certify and deliver to the Board of Supervisors of said county the amount which shall be necessary to be raised for the payment of the interest of the debt herein funded, and the said Board of Supervisors shall order the County Auditor of said county, in completing the duplicate assessment list, to add to the amount which may be authorized by law to be raised for other purposes, such a per centage on all the taxable property taxed for State and county purposes, as will in their judgment realize the amount so certified, for the payment of such interest, which per centage the said Auditor shall so add in carrying out the amount of taxes levied upon such taxable property, contained in said duplicate, and also in carrying out the amount of taxes against all taxable property contained in any supplementary assessment roll; said per centage to be collected at the same time, and in like manner, as the State and County taxes.

Commissioners certify.

Auditor make additional tax.

Amount of.

When and how collected.

Sec. 10. The first moneys collected on the whole of such general assessment list for county purposes, except that collected as the "Interest Tax" under an Act passed May 3d, 1852, entitled "An Act to Fund the Debt of the County of Yuba, and provide for the Payment thereof," that shall be paid unto the Treasurer of said county, shall be by him set aside, equal to the amount so certified for interest, as a "Special Interest Fund," which shall be applied by the said Commissioners for the payment of the interest falling due upon said bonds.

Moneys set aside.

Amount.
How applied.

Sec. 11. If there shall be collected of the per centage authorized by this Act to be added to the amount of tax levied for other purposes upon the taxable property of said county, a sum greater than the amount so set aside by said Treasurer, under the last section, as a "Special Interest Fund," the Treasurer shall turn over and pay into the Sinking Fund, created by this Act, any such excess.

Excess of Interest Fund.

Paid into Sinking Fund.

Sec. 12. It shall be the duty of the County Treasurer of said County of Yuba to make certain arrangements for the payment of the interest on said bonds, when the same falls due, at least sixty days before the time of payment; and in the event the said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of said County of Yuba, for such purpose; and in the event that those funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the County of Yuba.

Duty of Treasurer.

Sec. 13. Five years from and after the passage of this Act, there shall commence to be levied, annually, by the Board of Supervisors of said county, in addition to all other legal taxes, ten per

Additional tax.

Purpose of.	cent. upon the whole aggregate amount of the debt of said county, funded under this Act, to be styled a "Sinking Fund Tax," for the purpose of raising a "Special Sinking Fund," for the payment of the principal of the debt funded under this Act; and which last named tax shall be collected and enforced by the Tax Collector of said county, in like manner as the general tax for State and county purposes, and be by him paid over to the County Treasurer, who shall set the same apart, as such "Special Sinking Fund," to be used for no other purpose than as herein provided. Whenever, at any time, there shall be in said Sinking Fund a sum of money amounting to three thousand dollars or upward, the County Treasurer shall advertise in a public newspaper, published in said county, and also in a newspaper published in the city of New York, for the space of two weeks, for sealed proposals for the redemption of said bonds; and six weeks from the time of the expiration of such publication, the Treasurer shall open the sealed proposals, in the presence of the County Auditor and the Chairman of the Board of Supervisors for said county, and shall pay and liquidate, as far as the Sinking Fund then on hand will extend, such bonds presented under said proposals, as shall have the lowest value proposed, at which they may be liquidated. <i>Provided</i> , The same shall not be for more than the par value thereof. <i>And provided</i> , That should there be no proposals made for less than par value, then the payment shall be made <i>pro rata</i> on all bonds. <i>And provided</i> , Whenever there may be sufficient moneys in such Sinking Fund for the extinguishment of the debt of said county, funded under this Act, it shall be the duty of the Treasurer to advertise in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw any interest. Any moneys remaining in said Sinking Fund, after the redemption of said bonds, shall be paid into the General Fund of the county.
Treasurer advertise to redeem bonds.	
Liquidation of.	
Proviso.	
Treasu'r advertise to redeem all bonds.	
Excess go into General Fund.	
Bredeemed bonds	SEC. 14. Whenever any bonds shall have been paid and redeemed by the County Treasurer, he shall mark the same "Canceled," over his signature, as Treasurer, and immediately deliver the same to the County Auditor, taking his receipt therefor; and the County Auditor, upon the receipt of such canceled bonds, shall file the same in his office.
Interest and Sinking Fund.	SEC. 15. The County Auditor shall open with the County Treasurer a "Special Interest Fund Account" and a "Special Sinking Fund Account," and shall balance and settle the same quarterly; on the first Monday of April, July, October and January of each year.
Commissioners take oath.	SEC. 16. The said Commissioners shall, before entering upon their duties, take and subscribe an oath for the faithful performance of their duties as such Commissioners, and the Treasurer shall, in addition to his official bond, give a good and sufficient bond, in the penal sum of fifteen thousand dollars, conditioned for the faithful performance of his duties under this Act; said bond to be approved by the Board of Supervisors of said county, and subject to be renewed by said Board whenever required by them, and filed in the office of the Clerk thereof.
Treasurer give bonds.	
Approval.	
Compensation	SEC. 17. Each of said Commissioners in office at the time of the passage of this Act, shall receive in full compensation, for

duties performed under the provisions of this Act, one-quarter of one per cent. on the amount of debt funded by them, and their successors shall be required to perform the duties herein required of them, as a part of their official duties, as such Chairman, Treasurer and Auditor, without additional compensation. Successors.

SEC. 18. Immediately after the passage of this Act, the said Commissioners shall advertise that the funding of said debt will commence and continue up to the first day of July next, from which time it shall not be lawful for the Treasurer to pay or liquidate any of the then indebtedness of said county, excepting such claims as may be payable out of any special fund, in any other manner than is herein provided. Funding of debt.

SEC. 19. After the first day of July, one thousand eight hundred and fifty-seven, the Board of Supervisors of said county shall contract no debts and incur no liabilities that shall singly, or in the aggregate, with any other previous debts or liabilities, contracted or incurred, after the said first day of July, exceed five thousand dollars, more than the amount of moneys in the County Treasury, subject to the payment of the same. Debts c'ntracted not exceed.

SEC. 20. It shall not be lawful for the Board of Supervisors of said County of Yuba, except as in this Act provided, to make any assessment, or lay any tax, to be used or applied in any way for the payment or liquidation of any of the indebtedness of the County of Yuba, made, created or incurred, prior to the first day of July, A. D. one thousand eight hundred and fifty-seven, other than claims or demands against any special fund, and every such assessment, or tax, laid contrary to the provisions of this Section, shall be absolutely null and void. Taxes lawful.

CHAPTER CVII.

AN ACT

To reincorporate the City of San Jose.

[Approved March 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that tract of land now called the city of San Jose, situate in the county of Santa Clara, and lying within the following limits and bounds, that is to say: Beginning on the center line of Second street, at a point one mile and a-half southeasterly from its intersection with the center line of San Fernando street; thence running in a straight line parallel with San Fernando street, to the eastern bank of Coyote Creek; thence down said creek along Boundaries.

Boundaries.	its eastern bank, to its intersection with a line drawn through the center of Rosa street; thence along said line in a straight course, to a point forty rods southwesterly from the west bank of the river Guadalupe; thence in a straight line, to a point in the center line of San Fernando street, produced forty rods southwesterly from said west bank; thence in a straight line to such a point forty rods southwesterly from said west bank, that a line drawn from it to the place of beginning, shall be parallel with San Fernando street; thence along said line to the place of beginning, shall henceforth be known as the city of San Jose.
Government, in whom vested.	SEC. 2. The government of said city shall be vested in five Trustees, a Clerk, Assessor, Collector and Treasurer. Said Trustees shall form a body politic and corporate, by the name of the "Board of Trustees of the city of San Jose," and by that name have perpetual succession, sue and be sued, in all courts and in all matters whatsoever, may have and use a common seal, and alter the same at pleasure.
By whom elected	SEC. 3. The aforesaid Board of Trustees, Assessor, and Collector of Taxes, shall be elected by the qualified voters of the city, at an election, as herein provided. At the first meeting of said Board of Trustees, or as soon thereafter as possible, they shall select from their own number a President of said Board of Trustees, also the Board of Trustees shall select a Treasurer and Clerk, but neither of whom shall be a member of said Board; and to elect the said President, Treasurer and Clerk, it shall require the votes of a majority of all the members of said Board. All elections of said city shall be by ballot, and a plurality vote shall be sufficient to elect. The said Board of Trustees, Assessor and Collector, shall be elected on the second Monday of April next, and their successors, on the second Monday of April of each and every succeeding year, at a charter election to be held for that purpose, by the legal voters resident within the limits of said city, and shall hold their offices for one year, and until their successors are elected and qualified, and the Clerk and Treasurer of said city shall hold their offices for a like term, and until their successors are elected and qualified.
Trustees select President, &c.	
Vote necessary	
Ballot.	
Plurality vote	
Election, when held.	
Term of office.	
Common Council appoint officers of election.	SEC. 4. For the first election held to fill the offices created by this Act, the present Common Council of said city shall appoint one inspector and two judges of election, who, together with two clerks, to be appointed by them, shall take the oath of office prescribed by law for inspectors and judges of State and county elections, (said elections to be held at the City Hall, or other place publicly designated by said city authorities,) declare the polls to be open, and proceed to receive votes, and declare the result. The persons having a plurality of all votes cast shall be declared elected. At all subsequent elections, the Board of Trustees shall designate the inspector, judges and clerks of election, and the compensation of the said inspector, judges and clerks, shall not exceed three dollars, each, at any one election; and the returns of all city elections shall be made out and signed by the inspector, judges and clerks, and filed in the office of the City Clerk. The polls for all city elections shall be opened at eight o'clock A. M., and continue open until six o'clock P. M. of the same day.
Duty of officers.	
Persons elected.	
Subsequent elections.	
Compensation of officers of election.	
Returns, how signed.	
Time of opening and closing polls	
Absent officers.	SEC. 5. In case any one of the officers of election, designated by the Board of Trustees as inspectors, judges or clerks of election,

shall fail to attend, those officers so designated who do attend, shall fill their places by appointing qualified voters to act instead of such absent officers. Places, how filled.

Sec. 6. The Board of Trustees, any three of whom shall form a quorum to do business, shall, on the first Monday following their election, meet for the transaction of business, and shall thereafter on the first Monday of each succeeding month, meet for like purposes. Trustees. When meet.

Sec. 7. If at any time, either, or any of the officers created by the foregoing sections of this Act, shall by sickness, absence or otherwise, be unable to perform the duties of his office, for a longer period than three months at one time, his office shall be deemed vacant, and the Board of Trustees shall call a special election to fill such vacancy, by giving ten days notice thereof. Vacancies. How filled.

Sec. 8. The Board of Trustees shall have power, and it is hereby made their duty, to pass such ordinances from time to time as shall be deemed proper and necessary, and not repugnant to the Constitution of the United States and this State; to make provisions for paying, or in any way liquidating the indebtedness of the city, in accordance with the provisions of this Act, and such laws as are now in force, providing for the funding of the indebtedness of said city; to fix the amount of bond required of the officers created by this Act, provided that the bond of the Treasurer, and of the Collector, shall not be less than the amount of moneys that may reasonably be presumed to be in their hands at any one time; to prevent and remove nuisances within the limits of said city; to license, regulate and restrain theatrical and other amusements within the city; to license all and every kind of business not repugnant to law; to fix the rates of license tax on all such business: *provided, always*, that the license tax upon all business, trade, employment and occupation, which, under the laws of this State, a license is lawful. The license tax imposed by the city authorities, shall not exceed the sum so fixed by the laws of this State, for State and county purposes; and for each other lawful business, trade, or occupation, or employment, and for which no license tax is imposed under the laws of this State; said Board of Trustees shall have power to fix the license at such rate as they may deem advisable to the interest of the city, and in proportion to the amount of business transacted; to establish and regulate markets, to purchase, hold and maintain, fire engines and implements for the prevention and suppression of fires; to construct wells and cisterns; organize and maintain fire departments, and supply the city with water; to establish a Board of Health, and prescribe sanitary regulations; to lay out, alter, widen, open, grade, improve and cleanse the streets, alleys and public places; to repair, occupy and use, any property belonging to said city; to impose and appropriate fines, penalties and forfeitures of breaches of the ordinances passed from time to time by the said Board of Trustees: *provided*, that no ordinance shall fix the amount of fine for one offense above one hundred dollars, or the amount of imprisonment for one offense more than thirty days; to levy and collect taxes upon all the taxable property within said city: *provided, always*, that no ordinance shall be passed by said Board of Trustees authorizing the levy of a higher rate of tax than one-half of one per cent. on the valuation Powers and duties of Board of Trustees specified and defined.

of the taxable property within said city: *and, provided*, that such tax of one-half of one per cent. shall not be authorized to be raised in said city for a longer period of time than it shall require said city to extinguish its present indebtedness.

Ordinances.

SEC. 9. Every ordinance passed by the Board of Trustees, in order to possess legal force and virtue, shall receive a majority vote of the Trustees present at such meeting, and the approval of the President of the Board of Trustees, or if he shall refuse to approve the same, to render such ordinance valid, it shall require the vote of all the remaining members of the Board of Trustees. *Provided*, That all ordinances shall be submitted to the Board of Trustees, at least one week before the same shall be finally acted upon.

When valid.

Proviso.

Accounts entitled to payment

SEC. 10. All bills, accounts, or demands, that shall lawfully arise against the city under this Act, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to, and allowed, by the Board of Trustees, and receive the signature of the President, and be countersigned by the Clerk. All such bills, accounts, or demands, after being so allowed, shall on presentation to the Treasurer, be paid, as hereinafter provided, out of any unappropriated funds in the Treasury.

Forms observed.

Trustees not to create debt on credit.
Not expend money.

SEC. 11. The Board of Trustees shall have no power to create any debt upon the credit of said city, nor to make any expenditure for improvement in said city, except as provided for in this Act, except to pay for such necessary improvements in said city as the funds in the Treasury may be sufficient to meet, after paying the expenses of the government, and all other demands against said city, legally due.

Trustees' meetings.

SEC. 12. At each and every regular meeting of the Board of Trustees, said Board shall inquire into the condition and sufficiency of the streets, bridges, or school houses, and all other buildings and property belonging to said city, and if it shall appear to a majority of said Board of Trustees that the interests of the city demand an expenditure of more money than there then is in the Treasury not otherwise appropriated, for repairing or improving said streets, or erecting, repairing or improving school houses, bridges, or other property and buildings belonging to said city, or to recover possession of any real estate, justly the property of said city, the Board of Trustees shall make a report of the same, to be published in some newspaper printed in said city, particularly specifying the object or objects for which the expenditures are proposed to be made, and the amount of moneys necessary to be raised by tax to meet the same, and immediately thereafter, the said Board of Trustees shall call an election, giving ten days notice thereof, at which the said citizen tax-payers, who are otherwise qualified voters under the laws of this State, may cast their votes for, or against, levying a tax to meet the proposed expenditures. The majority of all the votes thus cast shall determine if such tax shall be levied or not. The Board of Trustees shall examine and declare the result, and make a certificate of the same, to be filed in the office of the City Clerk; if the vote is in favor of levying the tax, the Board of Trustees shall forthwith order the tax, or taxes, to be levied and collected, and to make the proposed expenditure.

Report, specify object and am't

Call on election.

Tax.

Proviso.

Provided, always, That the special tax thus levied shall for no one year exceed more than one-half of one per cent. on the valuation

of property in said city, as shown in the preceding assessment roll of said city.

SEC. 13. The voting, at any election called to determine the voice of the people relative to levying such taxes, as are herein provided, shall be conducted by ballot; the ballots shall have written or printed on them "Tax," or "No Tax," and no person who is not both a legal voter and a tax-payer within the limits of said city, shall be entitled to vote at any such election, and a receipt for city taxes paid on the last preceding assessment, given by the collector of said city, shall, if other qualifications are not wanting be sufficient to constitute a legal voter at such elections.

Manner of voting

Persons allowed to vote.

SEC. 14. The Board of Trustees shall succeed to all rights, titles, interest, possessions, credits and immunities, liabilities, debts and obligations, in law or equity, that shall be enjoyed or owed by the Mayor or Common Council of said City of San Jose, at the time of taking effect of this Act; may grant, purchase, hold, and receive property, real and personal, within said city, necessary for public purposes; may lease the same for a term not exceeding five years, for the benefit of the city. *Provided*, That all such leases shall require a vote of at least four members of the Board of Trustees.

Trustees succeed to.

And have power.

SEC. 15. It shall be the duty of the President to preside at all the meetings provided for, to be held by the Board of Trustees, to call special meetings when he may deem the same necessary for the public interest; and do all other things imposed upon him by this Act, or the ordinances of said city.

Duty of President

SEC. 16. It shall be the duty of the Clerk to keep a true record of all business, transacted by the Board of Trustees from time to time, to grant certificates of license on the presentation of receipts, signed by the Collector, stating that the license tax imposed by ordinance, on the business of the applicant, has been paid to him; and shall keep a true list of all such licenses granted by him, and the amount of monies received by the Collector, as shown by such receipts; to apportion the taxes upon the assessment, and to make out and deliver to the Collector, a tax list in the usual form, as soon as practicable after the Board of Equalization have equalized the assessment; and such other duties as may be prescribed by ordinance.

Duty of Clerk.

SEC. 17. It shall be the duty of the Collector, to collect all the license taxes that shall at any time be due the said city, according to the provisions of this Act, and to give receipts therefor, and upon receiving any tax list, as provided for in this Act, to proceed to collect the same, at the same time and manner as is by law prescribed for the collection of State and County taxes; the said Collector being hereby vested with the same powers to make collections of taxes, by the sale and conveyance of real and personal property, as is or shall be conferred upon Collectors, for the collection of State and County Taxes, and it shall be the duty of said Collector, to collect in the same manner, any tax list placed in his hands for that purpose, without unnecessary delay, and pay all such taxes monthly, to the Treasurer, and take receipt therefor, retaining his per centage for collecting.

Duty and powers of Collector.

SEC. 18. And it is hereby made the duty of the Board of Trustees, (and countersigned by the Clerk,) to make out, and pub-

Trustees' statement.

lish in some newspaper printed in the City of San Jose, a complete statement, on the third Monday of August, December, and April of each year, of the expenditures and receipts of the preceding four months, specifying upon what account each expenditure and receipt was made and had.

Duty of Assessor SEC. 19. And it is hereby made the duty of the city Assessor, between the first day of May, and the first day of August, in each and every year, to make out a true list of all the taxable property within the limits of said city, which list, certified by him, shall be placed in the hands of the Board of Trustees for equalization, the mode of making out such list, and ascertaining the value of property, shall be the same as that prescribed by law for assessing State taxes.

Duty of Treas'r. SEC. 20. It shall be the duty of the Treasurer to receive and safely keep, all moneys that come into his hands as Treasurer of said city, and pay out the same on the order of the President and Board of Trustees, (countersigned by the Clerk,) and take receipt therefor.

Duty of Justices of the Peace. SEC. 21. The township or city Justices of the Peace, for the township or city of San Jose, are hereby authorized and required, to take cognizance of all offences against the laws, within the limits of said city, also to take cognizance of all breaches of city ordinances. The township and city Constables, are hereby also required to apprehend and arrest all criminals, and offenders against the ordinances of said city. All violations of city ordinances, wherever a fine or pecuniary penalty is exclusively imposed, shall be prosecuted as civil actions.

Trustees, no pay SEC. 22. The Board of Trustees shall receive no compensation for their services; neither shall they be interested directly or indirectly, during their term of office, in any contract, sale, lease or agreement with the city. The Clerk shall receive in compensation for his services in making out tax lists, and keeping a list of all licenses granted by him, a yearly salary of seventy-five dollars; and for his services as Clerk of the Board of Trustees, and such other duties as may devolve upon him as Clerk of said Board, one hundred and fifty dollars. The Assessor shall receive a per diem allowance, (of not to exceed three dollars,) while actually engaged in assessing the property of said city. *Provided*, That the aggregate per diem shall not exceed one hundred dollars per annum. The Collector shall be allowed, for collecting all taxes and licenses, not to exceed two and one-half per cent., to be fixed by the Board of Trustees. The Treasurer shall be allowed for all moneys received by him, one per cent., and no allowance for moneys paid out by him, as Treasurer. The Collector and Treasurer each, shall be allowed to retain in his hands, the per centage due him as hereinbefore provided.

Assessors, per diem.
Proviso.
Compensation of Collector.
Of Treasurer.
Salaries paid by order of.
Time of paym't.

SEC. 23. All the salaries and compensations for the services of officers, provided for by this Act, shall be paid by the Treasurer, out of any monies in the treasury, not otherwise appropriated, on the order of the President, countersigned by the Clerk, at the expiration of each three months service. No further allowance shall be made to either of said city officers, for any services whatever, than is herein provided for.

SEC. 24. All the city officers, whether elected by the people

or by the Board of Trustees, shall, before entering upon the duties of their office, take the oath of office prescribed by law. The Treasurer, Clerk, Assessor, and Collector, shall each, before entering upon the duties of his office, also, shall make a bond, with sureties, to be approved by the Board of Trustees, payable to the said Board, in such penalty as may be prescribed, by an ordinance to be passed by the Board of Trustees, conditioned for the faithful performance [of the duties of?] his office. Should the bond of any officer become insufficient to render the people of said city safe, against official peculation, he shall be required to give such additional security, in conformity with the order of the Board of Trustees, as they may require, to be approved by them; and upon his failure so to do, his office shall be declared vacant, and a new election ordered, to fill the office thus vacated.

Officers to take oath.

Bond.

Bond insufficient

Additional bond

SEC. 25. The official bond of every officer named in this Act, except the bond of the Clerk, shall be filed in the Clerk's office; the official bond of the Clerk shall be filed in the Treasurer's office.

Bonds, where filed.

SEC. 26. The Board of Trustees shall constitute a Board of Equalization, and shall at their first meeting, after the first Monday in August in each year, or at the next adjourned meeting thereafter, hear and determine all complaints respecting the valuation of property, as fixed by the Assessor in the last assessment made, and shall have power to modify such valuation in any way, they, or a majority of them, shall deem just and proper.

Duty of Board of Equalization.

SEC. 27. No bill, or demand, shall be paid out of the city treasury, unless it be allowed by the Board of Trustees, and signed by the President, and countersigned by the Clerk.

Bills.

SEC. 28. The Board of Trustees may raise annually, by tax upon the real estate and personal property within said city, as estimated in the last preceding assessment roll, not to exceed one-eighth of one per cent., for the support of Common Schools in said city.

School Tax.

Amount of.

SEC. 29. The taxes and licenses herein authorized to be collected, shall be collected solely in the legal currency of this State, and except the tax for the support of Common Schools, shall be appropriated in the following order:

Taxes, in legal currency.

First. An amount sufficient to pay the annual interest on the funded debt of said city, shall first be set apart and appropriated from the first moneys coming into the treasury, also the sum of four thousand dollars as a sinking fund, for the payment of the debts of said city.

Order of appropriation.

Second. For the payment of the current expense of the said city government.

Third. The balance of the amount remaining unexpended in the city treasury, on the day ending the fiscal year of said city, as fixed by the said Board of Trustees, shall be appropriated as a sinking fund, for the payment of the funded debts of said city, in accordance with such laws as are now in force, or may be hereafter enacted.

SEC. 30. This Act shall take effect, and be in force, on and after the second Monday in April, eighteen hundred and fifty-seven.

When take effect

SEC. 31. The Act entitled "An Act to incorporate the City of San Jose," passed March twenty-seventh, eighteen hundred and

Repeal.

Proviso. fifty, and all Acts and parts of Acts, amendatory thereof, are hereby repealed. *Provided*, Said repeal shall take effect on the second Monday of April, eighteen hundred and fifty-seven.

CHAPTER CVIII.

AN ACT

Supplementary to an Act entitled "An Act to provide for the Appointment, and prescribe the Duties of Guardians," passed April nineteenth, eighteen hundred and fifty.

[Approved March 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Sections of Act. SECTION 1. All the provisions of sections seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, and eighty-seven, of the Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons, passed May first, eighteen hundred and fifty-one, are hereby declared to apply to guardians appointed in pursuance of the Act, entitled "An Act to provide for the Appointment, and prescribe the Duties of Guardians," passed April nineteenth, eighteen hundred and fifty, and to the bonds taken, or to be taken, from such guardians, in pursuance of said last mentioned Act, and to the sureties on such bonds.

Apply to Guardians.

Bonds.

CHAPTER CIX.

AN ACT

To Locate the County Seat of Butte County.

[Approved March 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Oroville. SECTION 1. From and after the passage of this Act, the County Seat of Butte County shall be located at Oroville, in said county.

CHAPTER CX.

AN ACT

Supplementary to an Act entitled an Act to provide for the Formation of Corporations for Certain Purposes, passed April 14th, 1853.

[Approved March 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the Trustees of every Company, incorporated under this Act, for the purpose of ditching, mining, or conveying water for mining purposes, to cause a book to be kept, containing the names of all persons, alphabetically arranged, who are, or shall become stockholders of the Corporation, and showing the number and designation of shares of stock held by them respectively, and the time when they respectively became the owners of such shares : also a book or books, in which shall be entered at length, in a plain and simple manner, all by-laws, orders and resolutions of the Company and Board of Trustees, and the manner and time of their adoption, which books, during the business hours of the day, Sundays and Fourth of July excepted, shall be open for the inspection of stockholders and the creditors of the Company, each individual stockholder, and their duly authorized agents and attorneys, at the office or principal place of business of the Company. *Provided*, That the office and books of every such Company shall be kept, and the books of the Company shall be open, as aforesaid, in the county in which their business is transacted, and every stockholder or creditor, as aforesaid, or their agents, or attorneys, shall have the right to make extracts from such books, or upon payment of reasonable clerk's fees therefor, to demand and receive from the clerk, or other officer having the charge of such books, a certified copy of any entry made therein ; such book or certified copy of any entry, shall be presumptive evidence of the facts therein stated, in any action or proceeding against the Company, or any one or more stockholders.

Duty of Trustees of Corporations.

Book.

Record of by-laws, orders, &c.

Open for inspection.

Proviso.

Right of Stockholders.

SEC. 2. If the clerk or other officer having charge of such books, shall make any false entry, or neglect to make any proper entry therein, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, or extracts to be taken therefrom, or to give a certified copy of any entry therein, as provided in the preceding section, he shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the party injured, a penalty of two hundred and one dollars, and all damages resulting therefrom, to be recovered in any Court of competent jurisdiction in this State : and for neglect to keep such books for inspection, and at the place provided for in the last section, the Corporation shall forfeit to the people of the State of California the sum of two hundred and one dollars for

False entries.

Misdemeanor.

Corporation neglect duty.

Duty of Attorney

Company neglect
duty one year.

Disincorporated

Not to affect.
Proviso.

every day they shall so neglect ; to be sued for and recovered before any Court of competent jurisdiction in the county in which the principal business of such Company is transacted ; and it shall be the duty of the District Attorney, within and for such county, to prosecute such action, in the name of and for the benefit of the people of the State of California. *And it is further provided,* That in case any such incorporated Company shall refuse or neglect, for the space of one full year, after the passage of this Act, to comply with the provisions of this and the preceding section, then, upon the showing of such facts, by petition of any person aggrieved thereby, and due proof thereof, before the County Judge of the county in which such Company's principal business is transacted, after such Company shall have been duly notified thereof, by summons, to be issued by said Judge, citing such Company to appear before such Judge, at a time and place therein mentioned, which shall not be less than ten nor more than thirty days from the date of such summons, such Company shall, by said Judge, be declared and decreed to be disincorporated, so far as to deprive said Company of all the privileges of this Act, but in no manner to affect the remedy of all persons against such Company, to be exercised as this Act provides. *Provided,* That nothing contained in the provisions of this section, concerning the disincorporating of such Companies, shall be so construed as to prevent the enforcement of the other remedies in this section mentioned, at any time after the passage of this Act, except as herein provided.

CHAPTER CXI.

AN ACT

Amendatory of, and Supplementary to "An Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same," approved May 3d, 1855.

[Approved March 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section tenth of said "Act to establish, support, and regulate Common Schools, and to repeal former Acts concerning the same," is hereby amended so as to read as follows:

Superintendent
to be elected.

Section ten. Unless otherwise provided by special law, a Superintendent of Common Schools shall be elected in each county, at the general elections, before the offices of the present incumbents have expired, and shall enter on the duties of his office on the first Monday of the month subsequent to his election. He shall

hold office for two years, or until his successor is qualified, and shall take the oath of office, and give official bond in a sum to be fixed by the Board of Supervisors; which bond shall be in a sum not less than double the estimated amount of school moneys to come into the county treasury each year. *Provided*, That in the counties of Tuolumne, Stanislaus, Los Angeles, Monterey, and Santa Cruz, the County Clerk of each county shall be *ex officio* Superintendent of Common Schools for the county; but in the county of Tuolumne, the County Clerk shall not act as County Superintendent, until the present incumbent's term of office shall have expired.

Term of office.

Bond.

County Clerks.

SEC. 2. Section fourteenth of said Act is hereby amended so as to read as follows:

Section 14. In each School District of this State, unless otherwise provided by law, there shall annually be elected three Common School Trustees, by the qualified electors in the district, at a School District meeting, to be held on the first Saturday in April, and the district officers shall give at least one week's notice of the time and place of said meeting, which shall be at the school-house, if there be one. Such Trustees are required to take the oath of office, and to file the same, with their certificates of election in the office of the County Superintendent, and they shall enter on their duties on the second Monday subsequent to their election, and shall hold their office for one year, or, until their successors are elected and qualified.

Trustees.

Notice of meet'g

When enter on duty.

Term of office.

SEC. 3. No Superintendent or Trustee of Common Schools shall be interested in any contract let or made by any district, over, or in which, he has any official supervision or control; nor shall he be employed as teacher in any such district, and all contracts, agreements and proceedings in violation of this section, are declared void; and any Superintendent or Trustee of Common Schools violating, or aiding in the violation of the provisions of this section, shall be deemed guilty of a misdemeanor.

Not to be interested in contracts

Nor become teachers.

Misdemeanor.

CHAPTER CXII.

AN ACT

To authorize the Executrix and Executors of the Last Will and Testament of William D. M. Howard, deceased, to sell real estate of the Testator at private sale.

[Approved March 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Agnes Howard, Henry F. Teschemacher and

Power to sell.	George H. Howard, executrix and executors of the last will and testament of William D. M. Howard, late a resident of the city of San Francisco, deceased, be, and they and any and each of them hereby are authorized and empowered to sell such portion or portions of the real estate of which the said William D. M. Howard died seized or possessed in the State of California, and any right, title or interest in such real estate belonging to the said decedent in his life time, as may be sufficient to pay the debts outstanding
Am't to be sold.	against the estate of the said testator, the legacies provided for in his will, the allowance to his family, and the expenses of administration, at such time or times, on such terms and in such manner,
Terms, &c.	whether at public or private sale, as shall be most advantageous to the said estate. <i>Provided</i> , That when any sale is made under and
Proviso.	by virtue of the authority given by this Act, at least one-third of the purchase money shall be paid at the time of such sale, and the balance upon such credit as the said executrix and executors may deem expedient to give, not exceeding one year, and the purchaser or purchasers shall secure the purchase money remaining unpaid by note and mortgage on the property sold, bearing interest at the rate of at least one per cent. per month.
Report of sales to Probate Court	SEC. 2. The said executrix and executors shall make a full report of any and all such sale or sales as shall be made by them, or any or either of them, respectively, to the Probate Court of the county of San Francisco, and the Judge of the said Court shall examine the same, and confirm or set aside the said sale or sales as in other cases of sales of real estate by executors or administrators.
Sale confirmed.	SEC. 3. The said executrix and executors, and any and each of them are hereby authorized, upon the confirmation of any such sale or sales as hereinbefore provided, and the compliance on the part of the purchaser or purchasers with the terms of such sale or sales as set forth in section first of this Act, to execute, acknowledge and deliver to the said purchaser or purchasers a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said William D. M. Howard in his life time.
Deed given to purchaser.	

CHAPTER CXIII.

AN ACT

To authorize the Board of Supervisors of Los Angeles County, to levy an additional Tax, to pay for a Court House in said county, and for other county purposes.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Los Angeles, are hereby authorized and empowered, to levy an additional tax, not to exceed one-half of one per cent. on the taxable property of said county, to pay a balance due for a Court House in said county, and for defraying the expense of the County Jail.

CHAPTER CXIV.

AN ACT

To provide for the collection of Delinquent Taxes, and to legalize the assessment, in the County of Calaveras.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment roll of said county, for the fiscal years eighteen hundred and fifty-five, and eighteen hundred and fifty-six, and the rates of taxation therein levied, as returned by the County Assessor, and imposed by the Court of Sessions and Board of Supervisors of said county of Calaveras, are hereby ratified, confirmed, and legalized, it being expressly provided hereby, that said assessment roll, to all intents and purposes, be recognized by all Courts of Justice, and any of them, as conclusive evidence of the facts therein contained, and of the regularity and validity of the return thereof, by the Assessor, and the rates of assessment therein mentioned, imposed as aforesaid.

SEC. 2. The Sheriff of said county, is hereby authorized and required, to seize, levy on, and sell the property of all delinquent tax payers, of the assessment of eighteen hundred and fifty-five, and eighteen hundred and fifty-six, in like manner as under execution.

Taxes, paid into treasury	SEC. 3. On the first day of each month, the Sheriff shall pay to the County Treasurer, all delinquent taxes collected during the preceding month; and on the second Monday in May, one thousand eight hundred and fifty-seven, the said Sheriff, shall make a complete return to the Board of Supervisors, of all delinquent taxes received, and if any portion remain unpaid, a statement of the cause why such taxes remain unpaid, and thereupon, the Board of Supervisors shall make such order as they may deem advisable in the premises.
Sheriff.	
Time extended.	SEC. 4. For the purposes of this Act, the time of collecting taxes in said county of Calaveras, is hereby extended to the second Monday in May, eighteen hundred and fifty-seven. <i>Provided</i> , That before the extension of time herein granted, shall take effect, the said Sheriff shall file with the Clerk of the Board of Supervisors of said county, the written consent of his sureties, to the said extension, or in default thereof, shall execute his bond for the faithful discharge of his duties, under this Act, in the sum of ten thousand dollars, approved and secured according to law.
Consent of sureties.	

CHAPTER CXV.

AN ACT

To provide for the Erection of a Jail in the County of San Bernardino.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Levy tax.	SECTION 1. The Board of Supervisors of the County of San Bernardino are hereby authorized and required, after the passage of this Act, to levy a special tax, upon the taxable property in the county, not exceeding one-half of one per cent. on the valuation, and all money collected under this Act shall be set apart and held as a "Special Jail Fund," to be used only as herein provided.
Amount.	
Advertise for plans, &c., for Jail.	SEC. 2. Said Board may advertise for, and receive plans, specifications and estimates for constructing a County Jail, and shall adopt such plans and specifications as may be deemed best for the county, reference being had to the probable expenses; and after adopting the plan and specifications, said Board shall give notice by posting, in at least three public places in the county, for at least twenty days, that sealed proposals will be received at a place to be specified, for building a County Jail, according to the plan and specifications adopted.
Notice.	
Proposals for building.	SEC. 3. After twenty days' notice, and at the time and place to

be specified in the notice, said Board shall open all bids and proposals for building and completing the County Jail, according to the plans and specifications, and within such reasonable time as may be fixed by said Board: and the contract shall be awarded to the lowest responsible bidder, who will give sufficient security for the prompt and faithful performance of the contract; but such Board shall not accept any bid or proposal, which, in their judgment, is higher than a fair and just compensation for the performance of the contract.

Contract, to
whom awarded.

SEC. 4. All payments for notices and advertisements made necessary by this Act, and for constructing and furnishing said Jail, shall be made, by warrants drawn on the "Special Jail Fund," and said warrants shall be paid in the order of their presentation to the County Treasurer; but no payment shall be made out of that fund for salary, allowance or compensation to any officer, or to any person as agent, or overseer, architect, or superintendent, or for any purpose other than that specified in this Act.

Payments made
from Jail Fund.

Not allowed.

SEC. 5. Warrants for seventy per cent. of the estimated value of the work done on said Jail, may be drawn as the Jail progresses; at least thirty per cent. of the whole amount to be paid, being reserved until the completion of the Jail, as additional security for the performance of the contract.

Per-centage al-
lowed before
completion of the
work.

Amount reserv'd

SEC. 6. This Act shall cease to be of effect, when said Jail shall be completed, furnished and paid for; and should any surplus money then remain in said Special Fund, it shall be turned over to the General Fund of the county.

Effect of Act to
cease.
Surplus.

SEC. 7. The special tax authorized by this Act, shall be collected at the same time, and in the same manner, as the ordinary State and County taxes. The Sheriff shall receive five per cent. on all moneys by him collected and paid over to the County Treasurer, under the provisions of this Act; and the County Treasurer shall receive two per cent. on the amount of moneys by him disbursed, under the provisions of this Act.

Compensation of
Sheriff.
Of Treasurer.

CHAPTER CXVI.

AN ACT

To separate the office of County Recorder from the office of County Clerk, in the County of Butte.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the next general election, the office

County Recorder of County Recorder in the county of Butte, shall be separate from the office of County Clerk.

When elected. SEC. 2. At the next general election, and at the general election of every succeeding two years thereafter, there shall be elected in said county, a County Recorder, who shall enter upon the discharge of the duties of his office on the first Monday in the month next succeeding such election, and shall hold such office for the term of two years, and until his successor is elected and qualified.

Term of office SEC. 3. Upon the qualification of said Recorder to perform the duties of his office, it shall be the duty of the County Clerk of said county to deliver to him on demand, all papers, books, furniture and other property properly belonging to the office of County Recorder.

Clerk to deliver papers, &c. SEC. 4. All duties and liabilities heretofore imposed upon the Clerk of said county as Recorder, shall attach to the office hereby created, and the County Recorder elected under the provisions of this Act shall give such bond or bonds as now by law are required to be given by the County Clerk as Recorder, to be approved in the same manner.

Duties and liabilities of Recorder. SEC. 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Repeal.

CHAPTER CXVII.

AN ACT

To abolish the Superior Court of the City of San Francisco, and to provide for the Transfer of its Records, Books, Papers, Actions, and other matters therein, and for the preservation of the Rights and Interests of Parties.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Court abolished. SECTION 1. The Superior Court of the city of San Francisco, be, and the same is hereby abolished, and all the functions of the Judge and Clerk thereof shall cease and determine, except as herein otherwise provided.

Clerk to deposit records, &c. with Clerk of District Court. SEC. 2. The Clerk of said Superior Court, is hereby directed to deposit all records and books of said Court, and all papers, documents, undertakings, property, bonds, and other securities, relating to any business, orders, suits, judgments, decrees, or legal proceedings in said Superior Court, together with the seal thereof, with the Clerk of the District Court of the Fourth Judicial District of the State of California, and said Clerk of said District Court, shall

receive, and keep the same in his office, subject to the orders, decrees, or judgments, of said District Court.

SEC. 3. All actions and proceedings now pending in said Superior Court, are hereby transferred to, and vested in, the said District Court of the Fourth Judicial District, and the same shall be heard and determined, continued and proceeded with, in said District Court, in the same manner, and with the like effect, as if such actions and proceedings had been originally commenced, or instituted in said District Court, of the Fourth Judicial District. The Clerk of said District Court, of the Fourth Judicial District, shall not file any paper in any suit or legal proceeding, or enter satisfaction of any judgment or decree transferred from said Superior Court by this Act, until the fees prescribed by law, due the Clerk of said Superior Court, are paid or tendered. In case said fees are paid, the Clerk of said District Court may receipt for the same, to and for the use of said Clerk of said Superior Court. And the County Clerk shall in no case be required to perform service in any suit or proceeding, until all fees due and in arrears in such suit or proceeding, are first paid or tendered.

Transfer of actions pending.

How disposed of

Payment of fees necessary.

SEC. 4. All judgments, decrees and orders of said Superior Court for the possession of real or personal property, the enforcement of liens, the payment of any debt, costs, clerk's fees, or sums of money, or for any purpose whatsoever, heretofore rendered and entered in said Superior Court, which have, or have not, been enforced or executed, are hereby transferred to, and vested in, said District Court of the Fourth Judicial District.

Transfer of orders, decrees and judgments.

SEC. 5. Upon the transfer and removal as herein provided of such actions, suits or proceedings, the said Clerk of the said Fourth Judicial District Court, at the request of any person, shall make out and file among the papers therein, a certificate of such transfer and removal, and shall note the same, in the Register of Actions; and thereafter, all papers filed, and all writs, process or proceedings, had therein, shall be issued from, and be entitled in, said District Court of the Fourth Judicial District, the same as though originally commenced or instituted therein.

Certificate of transfer.

SEC. 6. The said Clerk of the said District Court, of the Fourth Judicial District, shall issue, grant and certify, under his hand and proper seal, any writ, process, certificate, or exemplification, that may be necessary or required, after such transfer and removal; which shall have and receive full force, effect, faith and validity; and said Clerk of said District Court shall have and possess the same powers in all respects in relation thereto, as were heretofore had and possessed by the said Clerk of said Superior Court.

Clerk of District Court.

SEC. 7. Judgments, decrees and orders, mentioned in Section four of this Act, shall bind and be a lien upon lands and tenements, real estate, and chattels real, in the same manner, for the same time, and with like effect, as they now are in said Superior Court, and said District Court may revive any judgment, decree or order of said Superior Court. Executions to collect, or enforce the same, may issue out of the District Court within the time, and with like effect, as they may now be issued out of said Superior Court. All writs and other process, issued out of said Superior Court, now in the hands of the Sheriff of the City and County of

Judgments, &c.

Execution issue

- Writ returned.** San Francisco, shall be executed and returned by said officer, to the District Court of the Fourth Judicial District, in the same manner and with the like effect, as process issuing out of said District Court.
- Validity of bonds, &c.** SEC. 8. All bonds, undertakings, instruments, orders, decrees, judgments, records, and all other matters and things, each and every of them, by this Act transferred from said Superior Court, to the said District Court of the Fourth Judicial District, shall continue to have all the force, effect and validity, which they had in said Superior Court, or would have had therein had the same not been abolished, and all such proceedings may be had in relation thereto in said District Court or elsewhere, which might have been had in said Superior Court or elsewhere, if the last named Court had remained, as at the passage of this Act.
- Transfer from District Court.** SEC. 9. Any action or proceeding by this Act transferred from said Superior Court to said Fourth District Court, may be transferred from said Fourth District Court, to another District Court, for the same reasons, and in like manner, and with the same effect, as if originally commenced in said District Court of the Fourth Judicial District; and such transfer may also be made upon the written request of all the parties to such action or proceeding, or of their Attorneys therein, without any special cause, or reason, except the wish of the parties being assigned therefor.
- At request of parties.** SEC. 10. The present Judge of said Superior Court shall have full power and authority to settle or allow any statement, that may be necessary, on a motion for a new trial, or appeal in any action or proceeding pending therein, at the time this Act shall take effect; and in case of his refusal so to do, said action or proceeding shall be tried *de novo* in said District Court of the Fourth Judicial District. But nothing herein shall be construed to prohibit a trial by jury in any case where the same might otherwise be lawfully had.
- Powers of present Judge.** SEC. 11. The judgment, decree, or order of the Supreme Court of the State of California, upon appeals from said Superior Court, now pending, and all things concerning the same, shall be remitted to the said District Court of the Fourth Judicial District, and thereupon such further proceedings shall be had in said last named Court, as may be necessary to carry such judgment or order of the said Supreme Court into effect.
- Trial by jury.** SEC. 12. Appeals from any judgment, order, or decree made by said Superior Court, may be brought to said Supreme Court of the State of California, in the same manner, and within the time, and on the same terms, and with like effect as is now allowed from orders, judgments or decrees of said District Court.
- Orders of Supreme Court remitted to Dist. Court.** SEC. 13. The Fourth Chapter of the Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," approved May 19th, 1853, (comprising Sections twenty-nine to thirty-nine, both inclusive,) and entitled "the Superior Court of the City of San Francisco," and also the Act entitled "An Act to authorize the Transfer of Causes from the Superior Court of the City of San Francisco," passed March 10th, 1853, are hereby repealed.
- Appeals to Supreme Court.** SEC. 14. All Acts or parts of Acts, in conflict with any of the provisions of this Act, are hereby repealed.
- How disposed of**
- Repeal of Acts.**
- Acts in conflict.**

SEC. 15. This Act is to take effect on and after the first day of ~~Take effect.~~
May, A. D. 1857.

CHAPTER CXVIII.

AN ACT

To amend "An Act concerning Marks and Brands," passed May first, eighteen hundred and fifty-one.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section three. No mark, brand or counter-brand, shall be considered as lawful if not recorded as specified in this Act.

SEC. 2. Section nine of said Act is hereby repealed.

Marks and
brands to be re-
corded.
Repeal.

CHAPTER CXIX.

AN ACT

To authorize the Supervisors of Fresno County to levy and cause to be collected, a Special Tax for the purpose of liquidating the outstanding and accruing Indebtedness of said County.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Supervisors of Fresno County are hereby empowered to levy and cause to be collected, in the manner and at the same time as other State and county taxes, and in addition thereto the following annual tax, to wit: A sum not to exceed Amount of tax. thirty cents on each one hundred dollars of taxable property in said county.

How applied.

Proviso.

SEC. 2. The said tax, when collected, shall be applied to the payment of the outstanding and accruing indebtedness of said county, in the same manner as other county taxes. *Provided*, That no portion of said tax shall be applied to the liquidation of the debt due from Fresno County to Mariposa, Merced and Tulare Counties.

CHAPTER CXX.

AN ACT

To amend an Act entitled An Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April twenty-fifth, eighteen hundred and fifty-one.

[Approved March 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of said Act is hereby amended so as to read as follows:

Sacramento Co.,
boundaries of

Section eleven. County of Sacramento: Beginning at a point ten miles due north of the mouth of the American River, and running thence in an easterly direction to the junction of the North and South Forks of said river; thence up the middle of the principal channel of the South Fork, to a point one mile above the head of Mormon Island, so as to include said island in Sacramento County; thence in a southerly direction, to a point on the Cosumnes River eight miles above the house of William Daylor; thence due south to Dry Creek; thence down the middle of said creek, to its entrance into the Mokelumne River, or, into a large slough in the tule marsh; thence down the middle of said slough, to its junction with the San Joaquin River; thence down the middle of said river, to the mouth of the Sacramento River at the head of Suisun Bay; thence up the middle of the Sacramento, to the mouth of Merritt's Slough; thence up the middle of said slough to its head; thence up the middle of the Sacramento River to a point due west of the place of beginning; and thence east to the place of beginning. The seat of justice shall be at Sacramento City.

CHAPTER CXXI.

AN ACT

To re-incorporate the City of Stockton.

[Approved March 31, 1887.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

ARTICLE I.

SECTION 1. The district of country in the County of San Joaquin, which is contained within the boundaries hereinafter described, shall be a City, by the name of Stockton, and the inhabitants therein, shall be a body corporate, under the style and name of "The City of Stockton," and by that name they and their successors, shall be known in law, have perpetual succession, may sue, and be sued, complain and defend, in all courts, and in all actions and proceedings; acquire by purchase, or otherwise, property, real and personal, receive and hold the same, for the benefit of the body corporate, and may lease, rent, sell and dispose of the same, for the benefit of the said body corporate. *Provided*, That the said body corporate, shall not purchase any real estate, other than such lands, or lots within the said city, as shall be necessary, for the erection thereon, of public buildings, or for the laying out of streets or alleys, or public grounds, or as may be required for burial purposes. The said body corporate, may have a common seal, and alter the same at pleasure; may make by-laws not repugnant to the constitution and laws of this State; and may exercise such other powers, as are hereinafter conferred upon said body corporate, its officers, or its Common Council.

SEC. 2. The boundaries of the City of Stockton, shall be as follows: On the north by Flora street, on the east by Aurora street, on the south by Twiggs' street, and on the west by Bragg and Tule streets. The said city may be divided into Wards, at the discretion of the City Council, and apportion the Aldermen among the same.

ARTICLE II.

SECTION 1. The officers of the City of Stockton, shall consist of one Mayor, ten Aldermen, one Marshal, one Assessor, and one Clerk.

SEC. 2. The Mayor, Aldermen, Marshal, and Assessor, shall be elected by the qualified electors of the city. They shall be elected for one year, and until their successors are elected and qualified.

SEC. 3. No person shall be eligible to any office under this charter, who is not a qualified elector of said city.

SEC. 4. The election for Mayor, Aldermen, Marshal, and Assessor, shall be held on the first Monday in May of each year. The

Common Council shall appoint one Inspector and two Judges, and designate the place of opening the polls.

How conducted. SEC. 5. The elections held under this charter, shall be regulated and conducted in the same manner as the general election for State officers is regulated and conducted, and the Inspector and Judges, shall transmit to the City Clerk the returns of said election, within three days after the same is held, which result, shall be within seven days after the election, counted by the Mayor of the city, and the Clerk, and they shall issue certificates of election to the persons elected. A majority of the votes cast, shall be necessary to a choice, and said election shall take place by Wards, as is now provided by the city ordinances.

Returns.

By whom counted.

SEC. 6. Every inhabitant of the City of Stockton, who is a qualified elector under the constitution of this State, and has been a resident of the City of Stockton thirty days next preceding the election, shall be entitled to vote at every city election held under this charter.

Officers, when enter on duty.

SEC. 7. The Mayor, Aldermen, Marshal, and Assessor, shall enter upon their duties on the first Monday subsequent to their election.

Common Council to elect a President.

SEC. 8. The Common Council, at their first meeting after the annual election, and at any other meeting, when from any cause it may become necessary, shall elect a President from their own body, who shall preside at all their meetings, when the Mayor is not present, and whenever there is a vacancy in the office of Mayor, or whenever the Mayor is absent from the city, or is unable from sickness, or any other cause, to discharge the duties of his office, the President shall act as Mayor, and possess all the powers, and perform all the duties of the Mayor, during such vacancy, absence or disability. The President of the Common Council shall countersign all warrants and licenses issued under orders, or ordinances of the Common Council.

Duties.

Vacancy in office of Assessor, how filled.

SEC. 9. When a vacancy shall occur in the office of Assessor, by death, resignation, or otherwise, the Common Council shall order a special election to fill such vacancy, and when any vacancy shall occur, in any other office, except Assessor and Mayor, the Common Council shall elect some person to fill such vacancy, and at such election, a majority of all the members elected of the Common Council shall be necessary to a choice. Any person elected to fill a vacancy, shall hold the office for the residue only, of the term of his immediate predecessor.

Other vacancies, how filled.

Clerk.

SEC. 10. The Common Council shall, each year, within one month after the annual election, elect a Clerk, who shall hold office for one year, and until his successor is elected and qualified, unless previously removed, by a vote of two-thirds of all the members elected of the Common Council.

Power of Common Council.

SEC. 11. The Common Council shall have power, by a two-thirds vote of all the members elect of the Common Council, for good cause, to be entered on the journal of their proceedings, and after having given the officer an opportunity to be heard thereon, to declare the office of Marshal and the office of Assessor vacant.

ARTICLE III.

OF THE COMMON COUNCIL, THEIR DUTIES AND POWERS.

SECTION 1. The Mayor and Aldermen of the city, shall constitute the Common Council, who shall meet on the first Monday subsequent to the annual election, and at such other times as they shall, by resolution direct. Meetings.

The Mayor may call special meetings at any time, by written notice to each member, served personally, or left at his place of business or residence. At all meetings of the Common Council, the Mayor, when present, shall preside.

SEC. 2. A majority of the Common Council shall constitute a quorum for the transaction of business, but a smaller number may compel the attendance of absent members, and when there is a quorum present, a majority may pass any by-law, or ordinance, or resolution, except as hereinafter otherwise directed. Quorum.

SEC. 3. In the proceedings of the Common Council, each member present shall have a vote, except the Mayor, who shall have a casting vote when the votes of the other members are tied. Casting vote.

SEC. 4. The Common Council shall determine the rules of proceedings, and the qualification and election of their members.

SEC. 5. The sittings of the Common Council shall be opened to the public, except when the interest of the city shall require secrecy. A journal of their proceedings shall be kept by the Clerk, under their direction, and the ayes and noes on any question shall be taken, and entered upon the journal, at the request of any two members. Sittings open.
Journal.

SEC. 6. The Common Council shall have power within the city, to pass all by-laws, ordinances, and resolutions, not repugnant to the constitution of this State, necessary to be passed for the municipal government and management of the affairs of "The City of Stockton," and for the execution of the powers vested in the said body corporate, or in any office thereof. Powers.

SEC. 7. The Common Council shall have power within the city by ordinances—

First. To assess and levy taxes on all property real and personal in the city, made taxable by law for State purposes, not exceeding one per centum per annum upon the assessed value of such property, except as hereinafter specially provided. And to provide for the collection of, and the enforcement of payment of taxes, by seizure and sale of the property. The terms "real and personal property" herein, shall have the same signification as in the general revenue law of the State. The assessment of taxes shall be a lien on the property assessed from the date of the assessment, and have the force and effect of a judgment and execution. In regard to taxes.

Second. To provide for the draining, grading, improvement and lighting of the streets, and the construction of the sidewalks and bridges, drains and sewers, and wharves and their repairs, and the prevention and removal of obstructions on the sidewalks. Improvements.

Third. To assess and provide for collecting a revenue tax for wharfage, and to authorize the Marshal to regulate the landing and stationing of steamers, vessels and boats. Wharfage.

Fourth. To provide for the removal of obstructions to the navigation of any channel or water course within the limits of the city. Obstructions to navigation.

Fires and Fire Companies.	Fifth. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
Storage.	Sixth. To regulate or prohibit the storage of gun-powder, tar, pitch, rosin, and other extremely combustible materials, in the city.
Police.	Seventh. To establish and regulate a city police.
Nuisances.	Eighth. To prevent and remove and abate nuisances, and at the expense of the parties causing or permitting the same.
Remove certain houses.	Ninth. To remove from the immediate vicinity of the inhabited part of the city all slaughter houses, haystacks, forges and blacksmith shops.
Power to license	Tenth. To license and regulate auctioneers and taverns, hotels, billiard tables, bowling alleys, theatricals and other exhibitions, shows and amusements.
Same.	Eleventh. To license, prohibit, regulate and suppress bar rooms, for the retail, by sale or otherwise, of spirituous or malt liquors, drinking houses, tippling houses, dram shops, hawkers and peddlers and pawnbrokers, and they shall have power further to suppress gaming and gambling houses, and disorderly houses and houses of ill-fame, and dance and fandango houses.
Public buildings	Twelfth. To provide for the erection of public buildings for the use of the city.
Open streets, &c.	Thirteenth. To open, alter and widen streets and alleys, first paying for private property taken for public use.
License and tax vehicles.	Fourteenth. To license, tax and regulate drays, market wagons, teams and other vehicles.
To make loan.	Fifteenth. To borrow money and contract debts on the faith and credit of the city; but no loan shall be made, or debt contracted for any sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, without the consent of the electors of the city, previously obtained. And when the Common Council desire to effect a loan, or create a debt for a sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, they shall submit a proposition for such loan, or creation of such debt, to the electors of the city, and shall cause such proposition to be published in one or more newspapers in the city for at least one week before taking a vote on the same.
How effected.	Sixteenth. And if a majority of the persons voting, vote in favor of such proposition, the Common Council shall have authority to effect such loan, or create such debt, but not otherwise. The City Council shall in no case issue any scrip, or other evidence of debt, or orders on the Treasury, for larger amounts than there may be on hand to meet the demand.
Scrip.	Seventeenth. To prevent and restrain any riot or assemblage in any place, house or street of the city.
Amount allowed to be issued.	Eighteenth. To impose and appropriate fines, forfeitures and penalties for the breach of any ordinance; but no fine shall be imposed of more than two hundred dollars, and no offender shall be imprisoned for a longer term than thirty days.
Bribe.	SEC. 8. To compel the attendance of absent members, to punish its members for disorderly conduct, and to expel members, with the concurrence of two-thirds of the members elected.
Breach of ordinance.	SEC. 9. It shall be the duty of the Common Council to provide for the accountability of the City Marshal, Assessor and Clerk, and
How punished.	
Punish and expel members.	
Officers to give bonds.	

all persons to whom the receipt or expenditures of the funds of the city shall be intrusted, by requiring from them sufficient security for the faithful performance of their duties or trusts; which security shall be given by them before entering on their respective duties. In case such securities should become insufficient, additional security may be required, and if not given, the Common Council, by a vote of two-thirds of the members, may declare the office vacant, and order a new election to fill such vacancy.

SEC. 10. The Common Council shall have power, and it shall be their duty, to provide for the safe keeping and faithful disbursement of the revenue of the city, and to take bonds, with sufficient sureties to "The City of Stockton," from any party or parties to whom the same may be intrusted; and they shall have the right at any time to alter, vary, or withdraw said trust, from any party or parties to whom it may have been conferred. But they shall have no power to incur any expense for the keeping and disbursement of the city funds, exceeding the sum of six hundred dollars per annum. Revenue.
Expen's limited.

SEC. 11. The Common Council shall have power to provide for, and regulate the use of, all commons belonging to the city. City Commons.

SEC. 12. It shall be the duty of the Common Council to make up, one month before the annual election of city officers, in each year, for the general information of the inhabitants of the City of Stockton, a full and detailed statement of the receipts and expenditures of the city, during the year ending on the last day of the month previous to that on which the statement is made up, and file it in the office of the Clerk of said city, and subject to inspection of any inhabitant of the city; and in every such statement, the different sources of the city revenue, and the amount received from each, the several appropriations made by the Common Council, the objects for which the same were made, and the amount of money expended under each, the moneys borrowed, and the debts contracted on the faith and credit of the city, the authority under which each loan was made, and the terms on which it was obtained, shall be clearly and particularly specified; a summary of which statement shall be published in one of the newspapers published in said city, the publication to be made prior to the election, and continued for not more than three regular issues of said paper. Statement of receipts and expenses to be filed.
To be published.

SEC. 13. The improvements of streets, avenues and levees, as provided for in Subdivision two of Section seven, shall be: First, by the Council, on its own motion; Secondly, upon the petition of the citizens whose property is to be immediately affected. Whenever the Common Council deem it expedient to improve as aforesaid, notice shall be given for two weeks in some newspaper printed in the city, of the intention so to do; should the owners of the major part of the land fronting said improvements, within the period of notice required, make a protest, in writing, against the proposed improvement, it shall not be made; if no such protest be made, the Common Council shall enter the fact on their journal, and then provide by ordinance for making the same, all the expenses of which shall be borne by the land adjacent; if such protest be made, then the Common Council shall have no power to make the proposed improvement. Improvement of streets, &c.

SEC. 14. Whenever the owners of a majority of the land adja-

On petition of
citizens.

Petitioners
liable.

Assessments, by
whom made.

Persons dissatis-
fied may appeal.

Assessment.

Land sold for
payment.

Proviso.

cent, petition the Common Council for any such improvement, on any street, avenue, or levee, the same shall be made at the expense of the adjacent land and said petitioners, and on such conditions as the Common Council, by ordinance or resolution, shall direct. The petitioners shall be liable, personally, for their several proportions of the assessments therefor, as hereinafter provided, and there shall be a lien for the same on their land, as provided in section seventeen, but there shall be no personal charge against those who do not petition, but the security and remedy against the non-petitioners shall be only the lien and sale, hereinafter provided, on and against the land.

SEC. 15. The assessments for any such improvements, whether ordered by the Common Council, or upon petition as aforesaid, shall be made by a Board of Commissioners of Assessment, to consist of any three members of the Common Council, whose assessment shall be entered in the journal. In making such assessment, if it appear by the ordinance or resolution, to the Board, that the same is for a block or square of ground, or more in length, as such blocks are known on the map, or plan of said city, the Board shall make a separate apportionment of the aggregate expenses of each block, computing for the block, the line of improvement lying between the middle of one cross street and the middle of the next cross street, and then apportion the said aggregate to the several owners thereon, in proportion to the number of front feet on the line of the improvement which they respectively own.

SEC. 16. Should any person be dissatisfied with the assessment made by the Board of Commissioners, he may appeal by petition in writing, setting forth the grounds of his objection, to the Common Council, whose decision shall be final; such appeal shall be taken within ten days after such assessment is made and entered on the journal.

SEC. 17. Every assessment made for the improvement of streets, avenues, and levees, according to the provisions hereof, on the adjacent land, shall, from and after the making of such assessment, operate as a lien upon the land so assessed, and each several parcel thereof, and such land may be sold for the payment of the sums due thereon. *Provided, however,* That there shall be no sale of the delinquent property, until at least twenty days shall have elapsed, from the presentation of the bill of assessment, to the owner or agent of the property as hereafter provided, if such owner or agent be known, and if they be not known, or non-resident, until the bill of assessment with a description of the property, and notice of the sale in case of default, shall be published in some newspaper, printed in the city of Stockton, once a week for three successive weeks. *Provided, also,* That notice of the sale be given in some newspaper published in said city, thirty days previous to the sale, specifying the time and place thereof, and in no case shall more of the land be sold than will bring an amount sufficient to cover the assessment and expenses of making and collecting the same. Proof of all notices, shall be a copy of the same, with the affidavit of the party or officer making them, that they have been made or published, as the case may be, and entered on the journal, which entry shall always be full proof of the fact.

SEC. 18. The owner of any land sold for an assessment as afore-

said, and in pursuance of any ordinance or resolution, as the case may be, may redeem the same, within six months from the day of sale, by depositing in the City Treasury, for the use of the purchaser, the amount paid for such land, together with two per cent. per month interest thereon. Should the land sold, not be redeemed according to the provisions hereof, all right and title therein and thereto, of the owner or owners in fee simple, or the person or persons claiming to be such, at the date of making the same, shall remain absolute in the purchaser or purchasers.

Land, how redeemed.

If not redeemed, title to remain in purchaser.

SEC. 19. Whenever any such improvement shall have been made as aforesaid, the Common Council shall make out from the assessment thereon, separate bills or accounts, against the respective lands, and their owners liable for the same, certifying such bills or accounts, under the hand of the Clerk and seal of the Corporation, and deliver the same to the contractor or contractors who may have performed the work, or made the improvements, who shall be authorized to collect and receipt for the same, if paid upon presentation, and if not so paid, the contractor or contractors shall return the same to the Common Council, who shall proceed to collect the same, by a sale as aforesaid, and by a suit also, where a petitioner for the improvement is personally liable, and in no case shall the city be liable to any such contractor or contractors for making any such improvement, farther than to collect the same as aforesaid, when it is not paid on presentation, to such contractor, and in every case of sale, there shall be a deed made to the purchaser by the officer making it, within six months after such sale, if there be no redemption, as hereinbefore provided. Such deed shall be made in the name of the owner, if known, and if not known, in the name of the city by such officer, in virtue of the authority under which he makes the same. The Common Council shall designate, by resolution, the officer who shall make the sales under the provisions of this Act.

Separate accts. given contract'rs

City not liable.

In case of sale, deed to whom made.

SEC. 20. All contracts for work or supplies, shall be let to the lowest responsible bidder, when they exceed the sum of five hundred dollars, after giving notice through the public newspapers; and no officer shall be interested in any contract connected with his department, and any contract contrary to this section, shall be void; but the Common Council may reject all bids.

Contracts.

When void.

SEC. 21. The Common Council shall have power, and shall provide for the payment of the interest and principal, secured by the bonds issued under the Act, entitled "An Act to amend an Act, to re-incorporate the City of Stockton," approved April, 21st, 1852, approved April 2d, 1853, and it is hereby made their duty, in each and every year after the passage of this Act, to levy, assess, and collect, at the same time, and in the same manner, as the city taxes for the annual current taxes for the annual current expenses of the said city, are by law levied, assessed, and collected, an additional tax upon real and personal property of said city, made taxable by law, for State purposes, which additional tax shall be known as "the City Interest Tax," and shall not exceed one and a half per cent. per annum, payable in current coin only, and the fund derived from said additional tax, shall not be loaned to any other fund, or used for any other purpose, than the payment of the interest on said bonds, except as provided in the next section.

Duty of Council to pay interest on bonds.

Additional tax

Surplus, how expended.	SEC. 22. Any surplus money raised for "The City Interest Tax," over the sum necessary to pay the annual interest accruing on the bonds, shall, when amounting to the sum of two thousand dollars and upwards, be expended under the direction of the Common Council, in the purchasing of the greatest amount of the debt due upon the bonds, for the moneys in hand, having reference to the time when the same shall be payable.
Taxes.	SEC. 23. The Common Council shall have power, to raise by tax, any amount of money they may deem expedient, whenever the ordinance for that purpose shall have been approved by the people, but the conferring of this power shall not be so construed as to impair, or in any way affect the power given by the provisions of this Act, to assess and collect the taxes provided for in sections twenty-one and twenty-four, without such approval.
School tax.	SEC. 24. The Common Council shall have power, to raise annually by tax, upon the real and personal property within the city, taxable by law, for State purposes, whatever amount of money may be requisite for the support of free Common Schools therein, and providing, and furnishing suitable houses therefor; but the tax provided for in this section, shall not exceed the one-fourth of one per centum, per annum, upon the assessed value of all taxable property, and the said tax shall be assessed and collected, in the manner, and at the time provided by the laws and ordinances for other city taxes. The custody and disbursement of the moneys raised by the school tax aforesaid, shall be under the direction of the Common Council.
How collected.	
City expenses, how limited.	SEC. 25. The annual expenses of the city shall not exceed the sum of sixteen thousand dollars, (<i>provided</i> , the interest on the present debt of the city, and the School Fund aforesaid, shall not be considered a portion of the annual expenses, under this section,) unless after the exhaustion of the said sum of sixteen thousand
Consent of people to increase sum.	dollars, the people of said city shall consent to a further and greater expenditure, by vote, in the manner, and under the conditions in relation to a loan, or the creation of a debt, as is provided for in Section seven of this Article; and if the Common Council shall expend more than the sum of sixteen thousand dollars, annually, unless by the consent of the people, as aforesaid, they shall be guilty of a misdemeanor in office, and shall each be fined a sum not less than one hundred dollars, nor more than one thousand dollars, and be imprisoned, in the discretion of the Court, not less than one month, nor more than one year, and the excess so overpaid, or created, shall be void, as against the city, and shall be recoverable from the party or parties to whom the same is paid, if knowingly
Excess void.	taken or received by such parties; and the members of the Common Council, who vote for the same, shall be individually, jointly
Members liable.	and severally liable for such excess, and may be recovered in any court of competent jurisdiction, against them, or either of them, by the parties with whom they have contracted, or by "The City of Stockton," if payment has actually been made.

ARTICLE IV.

OF THE POWERS AND DUTIES OF THE CITY OFFICERS AND THEIR COMPENSATION.

SECTION 1. It shall be the duty of the Mayor, in addition to the other duties required of him by this Charter:

First. To communicate to the Common Council, quarterly, a *Duty of Mayor.* general statement of the situation and condition of the city, in relation to its government, finances and improvements.

Second. To recommend to the Common Council the adoption of all such measures as he shall deem expedient, relating to the Police, security, health, cleanliness and ornament of the city, and the improvement of its government.

Third. To preside over the Common Council, when present at their sittings.

Fourth. It shall be the duty of the Mayor to sign all ordinances passed by the City Council, if he approves the same; but if he shall not approve any ordinance submitted to him, he shall return it with his objections, in writing, to the Council, who shall cause the same to be entered on the journal, and proceed to reconsider the ordinance. If, after such reconsideration, two-thirds of the members elect shall agree to pass the ordinance, it shall become a law. If any ordinance shall not be returned by the Mayor within one week after it shall have been presented to him, it shall become effective, as if he had signed it.

SEC. 2. It shall be the duty of every Alderman of the city, to *Duty of Aldermen.* attend the regular and special meetings of the Common Council, and act upon committees when appointed thereto.

SEC. 3. It shall be the duty of the City Assessor to prepare, *Of Assessor.* within such time as the Common Council shall direct, and present to them, with his certificate of their correctness, a list of all the taxable property, real and personal, within the city, with a valuation thereof, and a list containing the names and occupations of all residents within the city, and to perform such other services, in relation to the assessment of property in the city, as may be required by the Common Council.

SEC. 4. It shall be the duty of the Clerk of the City to keep *Of Clerk.* the corporate seal, and all papers and documents belonging to the city, to file them in his office under appropriate heads, to attend the sittings of the Common Council, and keep a journal of their proceedings, and a record of all their by-laws and ordinances, to sign all warrants and licenses issued, in pursuance of the orders and ordinances of the Common Council, and to affix the corporate seal to such licenses, to keep an accurate account, in a suitable book, under the appropriate heads of expenditures, of all orders drawn on the City Treasury, and all warrants issued in pursuance thereof; also to keep an account in an appropriate book, of all licenses issued, with the names of the persons to whom issued, the date of the issue, the time for which the same were granted, and the sums paid therefor, and perform any other duty which the Common Council may require.

SEC. 5. It shall be the duty of the City Marshal to execute *Of Marshal.* within the city and return all process issued and directed to him by the Justice of the Peace, or other legal authority within the

Further duties. city, and to arrest all persons guilty of a breach of the peace, or a violation of any ordinance of the Common Council, and take them before the Justice of the Peace, or other legal authority within the city; to collect all taxes, assessments, licenses, wharfage, rents, fines, and all other moneys and dues belonging to, or which the city may be entitled, in any manner whatever, and pay over the same, as required by the Common Council. He shall regulate the landing and stationing of steamers, vessels and boats, and he shall perform all such other and further duties as may be required of him by the Common Council appertaining to the municipal government and management of the affairs of the city, not specifically devolved upon some other officer or person by this Charter.

Mayor and Aldermen, no salary. SEC. 6. The Mayor and Aldermen shall not receive any salary or compensation for their services.

Compensation of Marshal. SEC. 7. The Marshal shall receive for his services a salary not exceeding the sum of twenty-four hundred dollars per annum, and such fees for executing legal process, and making arrests for the city, as are allowed Constables for similar services. The Common Council shall have no power to allow him any more salary, nor fees, nor any commissions, nor any other compensation whatever, for his services as Marshal.

Of Assessor. SEC. 8. The Assessor shall receive (not exceeding) the sum of four hundred dollars for each assessment made by him, under the direction of the Council.

Of Clerk. SEC. 9. The Clerk shall receive a salary not exceeding the sum of eight hundred dollars per annum.

No additional compensation. SEC. 10. The Common Council shall have no power to allow any extra or additional compensation to that in this Charter expressly authorized, to any officer for the rendition of services that the Common Council have power to require the officer to perform by virtue of his office. The Marshal and Clerk shall each have the power, subject to the control of the Common Council, to appoint Deputies by writing, to be filed with the Clerk. Such Deputies, in the names of their principals, may discharge all the duties incumbent upon their principals; and it shall be their duty to appoint such Deputies to supply their places in case of their disability from sickness or absence from the city. Said Deputies shall not be entitled to demand any compensation from "the City of Stockton" for their services as such.

Deputies.

ARTICLE V.

Justices of the Peace. SECTION 1. The Justices of the Peace within the city of Stockton shall have jurisdiction—

Jurisdiction. First. Of any action or proceeding, for a penalty, fine, or forfeiture imposed by any order of the Common Council.

Second. Of proceedings respecting vagrants and disorderly persons.

Compensation. SEC. 2. When in any case a Justice of the Peace shall exercise the jurisdiction conferred by this Act, he shall receive the same pay or compensation for his services, from the city, as is allowed for similar services, under the general laws of this State. Said compensation to be charged as costs, and in all cases of judgment against the defendant, to be made out of the property of the defendant, when the same can be done.

Sec. 3. All proceedings and actions under this Act, before the Justices of the Peace, within the limits of the city, shall be commenced by complaints, setting forth the violation of the ordinance, or the acts of vagrancy or disorderly conduct complained of, or the offense charged, with such particulars as to the offense, of time, place, person, or property, as to enable the defendant to understand, distinctly, the character of the offense complained of, and to answer the complaint, and all complaints shall be verified by the oath of the parties making them. To the complaint, the defendant may plead, or he may answer, or deny the same. Such plea, answer or denial, may be oral or in writing, and immediately thereafter the case shall be tried, unless for good cause shown an adjournment be granted.

Actions.

Answer.

Trial.

ARTICLE VI.

MISCELLANEOUS PROVISIONS.

SECTION 1. Upon the passage of all resolutions and ordinances, appropriating money, imposing taxes, abolishing licenses, increasing or lessening the amount to be paid for licenses, the ayes and noes shall be entered upon the journal.

Ayes and noes entered on journal.

Sec. 2. A majority of all the members elected, shall be necessary to pass a resolution or ordinance, appropriating, for any purpose, the sum of five hundred dollars or upwards, or any ordinance imposing any assessment, tax or license, or in any wise increasing or diminishing the city revenue.

Vote necessary to pass certain ordinances.

Sec. 3. When at any time, two-thirds of the Common Council shall deem it necessary to alter or repeal any portion of this charter, they shall submit the proposed alteration to the electors of the city, and publish the same for at least thirty days, in one or more of the newspapers published in the city, and if a majority of all the persons voting, vote in favor of such alteration, the same shall be adopted. *Provided*, Such alteration shall not extend to enlarging the corporate limits of the city, nor violate any general and State law.

Repeal of Charter.

Submitted to the people. When adopted. Proviso

Sec. 4. The style of the city ordinances shall be as follows: "The Common Council of the City of Stockton, do ordain as follows;" and all ordinances shall be published in one or more of the newspapers printed in the city.

Style of ordinances.

Sec. 5. The interest which an inhabitant of the City of Stockton may have in a penalty, for the breach of a by-law or ordinance of said city, shall not disqualify said inhabitant to act as judge, juror, or witness, in any prosecution to recover the penalty.

Interest.

Not disqualify.

Sec. 6. The corporation must contract by its corporate name.

Corporate name.

Sec. 7. By-laws and ordinances shall be passed by the Common Council, and approved by the Mayor. But before any by-law or ordinance shall have any binding validity, it shall be published in some newspaper printed in the City of Stockton, and recorded in the record book, required to be kept by the Clerk. The Clerk shall certify on the original, the fact of publication and record thereof, and on the record the fact of publication, and so certified, either the original by-law or ordinance, or the record thereof, shall be *prima facie* evidence of the legal passage thereof, and may be read as evidence of the by-law or ordinance, and its publication.

By-laws.

When valid.

Clerk to certify.

Repeals.

SEC. 8. An Act entitled "An Act to re-incorporate the City of Stockton, approved April 21st, 1852, and an Act entitled "An Act to amend an Act to re-incorporate the City of Stockton," approved April 21st, 1852, approved April 2d, 1853, are hereby repealed.

Take effect.

SEC. 9. This Act shall take effect upon the first day of May, A. D. one thousand eight hundred and fifty-seven.

CHAPTER CXXII.

AN ACT

To Establish the County Seat of Tehama County.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Red Bluffs.

SECTION 1. The Seat of Justice of the County of Tehama is hereby declared to be the town of Red Bluffs, in the said county.

Repeal.

SEC. 2. Section twelfth of an Act entitled "An Act to create the County of Tehama, to define its Boundaries, and provide for its Organization," approved April 9th, 1856, and all other laws or parts of laws inconsistent with this Act, are hereby repealed.

Take effect.

SEC. 3. This Act shall take effect and be in force from and after the first day of April, A. D. 1857.

CHAPTER CXXIII.

AN ACT

To provide for the Funding of the Indebtedness of the County of Klamath.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In order to fund the indebtedness of the County of

Klamath, the Chairman of the Board of Supervisors, the County Auditor and County Treasurer of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled "The Funding Commissioners of the County of Klamath," and shall have, and exercise the powers, and perform the duties herein-after provided.

Fund Commis-
sioners.

Sec. 2. It shall be the duty of said Funding Commissioners to cause to be prepared bonds, in not less than the sum of fifty dollars or more than five hundred dollars, to the amount of the present county indebtedness, together with all the indebtedness that shall have accrued up to the first day of June, A. D. one thousand eight hundred and fifty-seven, and each and every bond shall purport in substance that the county of Klamath will pay to the person in whose favor said bond is issued, or bearer, the sum expressed thereon, bearing interest at the rate of ten per cent. per annum from the date of issue. The interest to be paid on presentation at the office of the Treasurer of said County, on the first Monday in November, one thousand eight hundred and fifty-seven, and on the first Monday in November in each year thereafter, until said bonds shall be paid. Said bonds shall be due and payable at the office of the County Treasurer, on or before the first day of November, one thousand eight hundred and sixty-seven, and they shall be signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor, and indorsed by the County Treasurer, and shall have the seal of the county annexed thereto.

To prepare
bonds.

Purport

Interest.

When paid.

Bonds when
payable.

How signed.

Sec. 3. It shall be the duty of the County Treasurer to examine all warrants presented for funding, and ascertain if they are the true and correct ones, issued according to the Treasurer's and Auditor's books, corresponding with the entries therein; and no others than those found to be true and lawful ones shall be funded.

Duty of
Treasurer.

Sec. 4. It shall be the duty of the Treasurer and Auditor aforesaid, each, to keep a separate record of all the bonds issued in accordance with this Act, showing the number, date and amount of the different bonds, and to whom issued.

Separate records

Sec. 5. It shall be the duty of the Chairman of the Board of Supervisors to keep an account of the number, denomination and amount of all bonds signed by him in accordance with the provisions of this Act. It shall be the duty of the County Auditor of said county to furnish the County Treasurer a certified copy of the record of all warrants or orders issued from his office, since the organization of the county, for all indebtedness of said county accruing prior to the first day of June, one thousand eight hundred and fifty-seven.

Duty of
Chairman.

Of Auditor.

Sec. 6. Any person holding true and lawful warrants against the county of Klamath, as provided in the third section of this Act, shall have the privilege of receiving in exchange therefor ten per cent. bonds, as provided for in section second of this Act, and the Treasurer is hereby directed and authorized to issue said bonds to the persons holding said warrants at the rate of dollar for dollar, including the interest which may have accrued on said warrants on the first day of June, one thousand eight hundred and fifty-seven. *Provided*, That said warrants be presented within ninety days after the said first day of June, one thousand eight hundred and fifty-seven, to the Treasurer of said county.

Bonds in
exchange for
warrants.

Rate.

Interest.

Proviso.

Sec. 7. The Treasurer shall indorse on the back of each war-

Warrants to be indorsed.

rant received by him in exchange for bonds as aforesaid, the date on which he redeemed the same, and from whom received, and shall file the same in his office so indorsed, and keep a record of the same, with the date and amount of the warrants.

Duty of Chairman and Auditor

SEC. 8. It shall be the duty of the Chairman of the Board of Supervisors and the County Auditor, together, to attend once in every two weeks at the office of the County Treasurer until the expiration of the time within which warrants can be funded in accordance with this Act, to examine all warrants redeemed by the Treasurer, and cause the same to be registered and canceled in such a manner as to prevent their being re-issued, or in any manner again put in circulation. At the meeting aforesaid, the said officers shall compare their respective records, of the date, number and amount of the bonds respectively signed, countersigned and indorsed by them, and ascertain whether or not any bonds have been wrongfully issued, or warrants wrongfully redeemed by the County Treasurer.

Expenses of Treasurer.

SEC. 9. The County Treasurer shall keep a correct account of the expenses actually incurred by him, in the purchase of the necessary records, books, and other articles required to carry into effect the provisions of this Act, and the same shall be audited by the Board of Supervisors, and paid out of any money in the County Treasury not otherwise appropriated. *Provided*, The same shall not exceed two hundred dollars.

Persons receiving interest to receipt for same.

SEC. 10. Before any interest shall be due on the bonds issued in conformity with this Act, the County Treasurer shall procure a receipt book, and, before he pays the amount of interest due as aforesaid on any of said bonds, he shall require of the person entitled to receive the same to sign a receipt for the amount so paid, which shall be written in said receipt book, which book shall be preserved by the Treasurer, and the receipts therein contained shall be sufficient evidence that the interest on the bonds to which they apply has been paid, and a voucher to the Treasurer for their respective amounts in his settlement with the County Auditor.

In case of fractional sum.

SEC. 11. If in the exchange of warrants for bonds, in accordance with this Act, it shall happen that any person shall have a fractional sum less than the amount of bonds authorized to be issued by this Act, the County Treasurer shall issue to the holder thereof a certificate of such fractional sum, and upon presentation of the same to the County Auditor, he shall draw a warrant on the County Treasurer for the amount so certified.

Additional tax.

SEC. 12. In addition to the ordinary taxes now authorized by law to be levied for general county purposes, there shall this year, and every year thereafter, until the principal and interest of the said bonds to be issued shall be fully provided for by payment, as hereinafter specified, be assessed and collected at the same time, in the same manner, and by the same officers, as the ordinary county revenue, a special tax of twenty-five cents on each one hundred dollars valuation of all taxable property in said county; said special tax shall be paid into, and known as "The Interest Fund" of the county of Klamath, all of which shall be collected as aforesaid, in the legal coin of the United States, and paid out by the Treasurer of said county as hereinafter directed, but in no other way. Neither shall it be used directly or indirectly for any other purpose than

How called.

Purpose.

the liquidation of the principal and interest of the bonds hereinbefore authorized to be issued.

SEC. 13. The Interest Fund above provided for, shall be kept separate and distinct from all other funds of the county, and shall be paid over by the County Treasurer to those entitled to receive the same, to each, the amount of interest due on the several bonds issued in accordance with this Act, on the first Monday of November of each year, until said bonds are redeemed, and the Interest Fund remaining in the Treasury, after paying all the interest due on the said bonds in each year, shall be turned over to and known as the "Sinking Fund" of Klamath County.

Interest, separate from other funds.

Surplus.

SEC. 14. If, on the first day of October in any year, until said bonds are all redeemed, there should be any of the General County Fund that has not been needed in paying the current expenses of the county for the year ending at that time, the same shall be paid into, and become a part of the Sinking Fund aforesaid.

Surplus of General Fund.

SEC. 15. Whenever at any time there shall be on hand, belonging to the Sinking Fund, the amount of three hundred dollars and upwards, the County Treasurer shall give notice, by posting written notices at five of the most public places in the county, for the space of ten days, for proposals for the redemption of the said bonds; said notices to name the day, hour, and place, said proposals are to be opened. After the expiration of the time so named, the County Treasurer shall open the said proposals at his office, in presence of the Chairman of the Board of Supervisors, and such other persons as may choose to be present, and proceed to pay the same to the person or persons making the greatest reduction on the bonds held by them, and issued as aforesaid. *Provided*, That he shall in no case pay more than the par value for any of said bonds. *And provided further*, That if no person shall offer bonds for less than par value, then the Treasurer shall pay the amount, *pro rata*, on all bonds offered at par. *And provided further*, That whenever at any time there is money enough in the Sinking Fund to pay all outstanding bonds, issued as aforesaid, the County Treasurer shall post, at five of the most public places in the county, a notice for the redemption of the said bonds, after which time the said bonds shall cease to bear interest.

Bonds when redeemed.

Notice.

Proposals.

Provido.

SEC. 16. The County Treasurer shall endorse on each bond redeemed, the date of redemption, and from whom redeemed, and the amount it required to redeem the same, and also make a like entry in his account with the Sinking Fund; and it shall be the duty of the Chairman of the Board of Supervisors, and the County Auditor, whenever such bonds are so redeemed, to attend at the office of the Treasurer, and see that said bonds are properly canceled, so that they cannot again be put in circulation.

Treasurer indorse bonds redeemed.

SEC. 17. Full and particular accounts of the Interest and Sinking Funds in this Act provided for, shall be kept by the County Treasurer, and shall, at all office hours, be opened to the inspection of the County Judge, Board of Supervisors, County Auditor, Grand Jury of said county, and all other persons, tax payers of the county, who choose to examine the same; and the Treasurer of said county shall, once in each year, make out a report in writing, containing a concise statement of all his transactions, under the provisions of this Act, which shall be directed to the Board of Super-

Accounts of funds to be kept.

Annual statement of Treasurer.

visors, and filed in the office of the County Clerk, and open to inspection.

Notice. SEC. 18. On the first day of June, one thousand eight hundred and fifty-seven, the Treasurer of the County of Klamath, shall advertise, by posting written notices at the court-house door, and
Funding of debt. three other of the most public places in said county, and also by giving the same two insertions in the "Crescent City Herald,"
When commence and "Humboldt Times," that from and after that date, the funding of the then outstanding indebtedness of Klamath County, will commence; from which time, it shall not be lawful for the Treasurer of said county, to pay or liquidate any of the then outstanding indebtedness of said county, in any other way than by funding it in accordance with the provisions of this Act. Nor shall the said Treasurer under any pretense whatever, liquidate or pay any portion thereof, only in accordance with said provisions. The expenses for publishing, in accordance with this Act, shall be paid out of the general county fund.

Compensation of officers. SEC. 19. The Treasurer and other officers, shall receive for their services aforesaid, such compensation as the Board of Supervisors of said county may direct, to be audited and paid out of the County Treasury, as other charges against the county are paid.

CHAPTER CXXIV.

AN ACT

To authorize the Board of Supervisors of Contra Costa County, to pay the Current Expenses of said County.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fund set apart. SECTION 1. The Board of Supervisors of Contra Costa County, are hereby authorized and empowered to set apart a proportion of the revenue, annually, of Contra Costa County, for county purposes, not exceeding three-fourths of the yearly revenue, (including the present year,) to pay the annual current expenses of said county, and all moneys over and above the amount so set apart, which may remain in the treasury, shall be used for paying the former indebtedness of said county, which may have been contracted by said county since the first day of June, one thousand eight hundred and fifty-five, and which has not been heretofore funded.

Purpose
Surplus.
Moneys not subject to execution. SEC. 2. The moneys set apart pursuant to the foregoing section of this Act, for paying the county expenses of said County of Contra Costa, shall not be subject to any execution, or writ, issued

for, or on account of, any debt which may be due, or which may become due from said county.

SEC. 3. The provisions of this Act shall not in any way apply Not apply. to, or interfere with, any special or interest fund created by law, for any purpose whatever, in and about matters relating to said county, or its indebtedness.

CHAPTER CXXV.

AN ACT

To guard against the Destruction of Property by Fire, by means of Sparks from the Chimneys of Steamboats navigating certain waters of this State.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All high pressure steamboats navigating the Sacramento and San Joaquin rivers, or any of their tributaries above the mouth of said San Joaquin river, or the city of Sacramento, Spark catchers. shall have securely attached to the chimneys of each of said boats, metal bonnets or spark catchers, constructed in such manner, and placed in such position, as will best catch and detain such sparks as would cause a destruction of property on the banks of said rivers by fire.

SEC. 2. Such bonnets or spark catchers to be used on all boats Inspectors. plying on the rivers aforesaid, during each year, to be made and used under the direction and supervision of the United States Inspectors of Steamboats for the District of San Francisco, or any other two persons who shall be appointed and commissioned by the Governor of the State, as Steamboat Inspectors for said State ; Qualifications. one of which shall be a competent engineer, and the other a competent machinist.

SEC. 3. The Governor of the State shall appoint and commission the United States Inspectors of Steamboats for the District of San Francisco, or two other persons of the requisite qualifications as defined in the second Section of this Act, to be Inspectors of Steamboats for the said State ; which Inspectors shall, when appointed and commissioned as required by this Act, and before entering upon the duties thereof, make oath or affirmation before a magistrate authorized to administer oaths, that they will faithfully and impartially perform the duties of Steamboat Inspectors Governor to appoint. as required by this Act. Oath.

SEC. 4. For each bonnet or spark catcher worn by any steam-

- Compensation. boats by direction of this Act, under the direction and supervision of said Inspectors, the said Inspectors shall be entitled to receive, from the owner or owners thereof, ten dollars, as a compensation for their services for such direction and supervision.
- Neglect and penalty. SEC. 5. Any owner or owners of steamboats neglecting or refusing to comply with the provisions of this Act, shall become liable to the people of the State of California in the sum of twenty dollars for every day they shall neglect or refuse to comply with the provisions of this Act; one-half of which sum recovered shall be paid into the Treasury of the State, for Common School purposes, and the other half to the relator or relators. Such owner or owners shall be further subject to an action for the amount of any damages that may accrue to any person or persons by means of such neglect or refusal.
- Actions, where brought. SEC. 6. Actions may be brought for liabilities created by this Act, in any Court of competent jurisdiction, by any person or persons who may assume to act as relators, and the style of such action shall be, The People of the State of California, in the relation of (inserting the name of the relator,) against (inserting the name of the steamboat.)
- Judgment. SEC. 7. Said actions may be commenced and prosecuted in any county through which, or adjacent to any boundary line of which that portion of said rivers so navigated may run or pass, and in which said boats may run, in contravention of the provisions of this Act, and any judgment recovered against any steamboat under the provisions of this Act, shall be a lien on said boat, and also a judgment against the owner or owners thereof.
- Persons not exempted. SEC. 8. Nothing contained in this Act shall be construed to exempt steamboats or steamboat owner or owners from any liability accruing against them by reason of fires communicated by means of sparks of chimneys of steamboats plying on said rivers without bonnets or spark catchers.
- Rights of action. SEC. 9. All rights of action accruing by virtue of this Act shall cease, and become absolutely barred, at the expiration of twelve months from the time said right accrued.
- SEC. 10. This Act shall take effect from and after the first day of June next.

CHAPTER CXXVI.

AN ACT

Concerning Persons under Sentence of Imprisonment.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in each county, shall have Prisoners labor power, and they are hereby authorized, to cause persons in the County Jail under sentence of imprisonment, to labor upon any public or private work in the county, the county receiving the benefit, or the hire, or labor.

SEC. 2. When a person shall be imprisoned for non-payment of Imprisonment for fine. a fine, or until a fine be paid, the imprisonment may extend to, but shall not exceed one day for every two dollars of the fine, and the costs that may be due from the person imprisoned, in the prosecution in which the fine was adjudged.

CHAPTER CXXVII.

AN ACT

Concerning the Revenue of the County of Calaveras.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All of the annual revenue of the County of Calaveras, except such as is set aside for a "Sinking Fund," by the ninth section of "An Act to Fund the Debt of the County of Calaveras, and provide for the payment thereof," approved May 3d, 1852, and, except also, the fund known as the "Redemption Fund," created by an Act entitled "An Act to authorize the Board of Supervisors of Calaveras County, to levy a special tax," passed eighteen hundred and fifty-seven, is hereby set apart as a separate and distinct fund, to be known as the "General Fund," Funds excepted. out of which, the current expenses of the said county shall be paid in cash. General Fund.

SEC. 2. The Board of Supervisors of said county shall make no

- Appropriations.** appropriation, at any time, for any purpose whatever, unless there shall be a sufficient sum of money in the "General Fund," at the time of making the appropriation, to pay the same; but nothing in this section shall be so construed, as to conflict with the provisions of the Acts named in the preceding section.
- General Fund.** SEC. 3. If any money shall remain in the "General Fund," after paying the current expenses of said county, at the expiration of each quarterly meeting of the Board of Supervisors, then such surplus shall be placed by the Treasurer in the "Sinking Fund," before referred to in this Act.
- Not subject to execution.** SEC. 4. The money set apart, pursuant to the foregoing provisions of this Act, known as the "General Fund," shall not be subject to any execution or writ issued for or on account of any debt which may be due, or which may become due, from said county.
- Act repealed.** SEC. 5. An Act entitled "An Act to amend the fourteenth section of an Act, entitled "An Act concerning the office of County Treasurers," passed March twenty-seventh, one thousand eight hundred and fifty," (passed May 17th, 1853,) is hereby repealed, so far as the same relates to the County of Calaveras; and no order or warrant drawn on the County Treasurer, and payable out of the county revenue, shall be received in payment of county tax or dues. *Provided, however,* That nothing contained in this Act shall be so construed, as to prevent the County Treasurer of Calaveras County from receiving Calaveras County bonds or warrants, from the Treasurer of Amador County, in payment of the debt due by said county to the County of Calaveras.
- Warrants not received for taxes or dues.** SEC. 6. An Act entitled "An Act to authorize the Board of Supervisors of Calaveras County, to pay the current expenses of said county," approved February 21st, 1856, is hereby repealed, and all Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed, so far as they relate to the County of Calaveras.
- Proviso.** SEC. 7. If any officer, or officers, mentioned in this Act, shall violate any of the provisions herein contained, he or they shall be deemed guilty of a misdemeanor, and shall be punished in the same manner as the statutes prescribe for the punishment of misdemeanors, and it shall be the duty of the District Attorney of the County of Calaveras, to prosecute them for any such violation.
- Misdemeanor, how punished.** SEC. 8. This Act shall take effect from and after the first day of July, A. D. 1857.

CHAPTER CXXVIII.

AN ACT

To authorize the Execution of a Bond under "An Act for Funding the Debt of the City of San Francisco," passed May 7th, 1855.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Andrew J. Moulder, James Van Ness, and William McKibben, the Board of Fund Commissioners under the Act entitled "An Act to provide for Funding the legal and equitable Debt of the City of San Francisco, and for the final Redemption of the same," (approved May 7th, 1855,) are hereby authorized to execute a bond, as provided by said Act, to E. L. Sanderson, for such sum not exceeding one thousand dollars, as shall have been expressly allowed and reported due him by the Board of Examiners, and the said report confirmed by the Common Council, in the same manner and with like effect, as if the said bond had been issued at the time of the confirmation of said report; and Edmund Randolph, the Chairman of the Board of Examiners, is hereby authorized to countersign the same, as provided by said Act.

Fund Commissioners to execute a Bond.
Countersigned.

CHAPTER CXXIX.

AN ACT

Supplementary to an Act entitled "An Act concerning the Board of Supervisors of Placer County," approved February 4th, 1857, and to extend its Provisions to other Counties herein named.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The provisions of an Act entitled "An Act concerning the Board of Supervisors of Placer County," approved February 4th, 1857, are hereby extended to the Counties of Shasta, Trinity, Siskiyou, Tehama, Colusa, Stanislaus, Contra Costa, San Joaquin, Butte, Klamath, and Humboldt.

Provisions extended.
Counties.

SEC. 2. The Supervisor filling the term nearest expiration, shall

Chairman of
Board.

Proviso.

be Chairman of the Board. *Provided*, That in no instance shall this provision apply to a member of the Board elected to fill a vacancy, unless each member composing the Board shall have been elected to serve out an unexpired term.

CHAPTER CXXX.

AN ACT

Concerning the Official Bonds of Justices of the Peace in the First Judicial District.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Bond.

SECTION 1. In the counties of the First Judicial District of this State, except in the Cities of San Diego, Los Angeles, and San Bernardino, each Justice of the Peace shall execute a bond to the people of the State, in such sum as shall be determined by the Board of Supervisors, respectively, of said counties, conditioned for the faithful performance of his duties, and file the same with the Clerks of said Board.

CHAPTER CXXXI.

AN ACT

To amend an Act entitled "An Act concerning the Office of County Treasurer," passed March 27th, 1850.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section thirteen of an Act entitled "An Act concerning the Office of County Treasurer," passed March 27th, 1850, is hereby amended so as to read as follows:

Section thirteen. Orders or warrants drawn on the County Treasury, and properly attested, shall be entitled to preference as to payment out of moneys in the treasury, properly applicable to such order, according to the priority of time in which the same may have been presented. The time of presenting such order shall be noted by the Treasurer; and upon the receipt of moneys into the County Treasury, not otherwise appropriated, it shall be the duty of the Treasurer to set apart the same, or so much thereof as may be necessary for the payment of such order or warrant. Should such order or warrant not be re-presented for payment within sixty days from the time of the notice required in the eleventh section of this Act, the fund set aside for the payment of the same, shall be by the Treasurer applied to the redemption of unpaid warrants next in order of registry. *Provided*, That the Board of Supervisors may, on application and presentation of warrants properly indorsed, which shall once have been advertised, pass an order directing the County Treasurer to redeem and cancel such warrants, out of any money in the treasury not otherwise appropriated.

Warrants entitled to preference.

Moneys set apart.

Warrants not presented.

Fund how applied.

Proviso.

CHAPTER CXXXII.

AN ACT

Granting certain Swamp and Overflowed Lands to the City of Sacramento.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title of the State of California in and to all the lands described in Section second of this Act, is hereby given, granted and relinquished to the city of Sacramento.

Title relinquished.

SEC. 2 The lands granted by this Act are described as follows, to wit: Beginning at a point in the city of Sacramento, on the east side of Third street, twenty-five feet north from I street, and running thence in an easterly direction six hundred and forty feet, in a direct line to a point seventy feet west from Fifth street and eighty-five feet north from I street. Thence in a northerly direction, parallel with Fifth street, thirty feet. Thence in a westerly direction, one hundred and twenty feet, in a direct line to a point on the south line of an alley which is one hundred and sixty feet north from I street. Thence in a northeasterly direction, four hundred and fifty feet, in a direct line to a point on the east line of Fifth street, one hundred feet north from H street. Thence in an

Boundaries.

Boundaries.

easterly direction, and parallel with H street, eighty feet. Thence at right angles, and in a northerly direction, and parallel with Fifth street, one hundred and forty-five feet. Thence in a northwesterly direction, two hundred and thirty-five feet, in a direct line to a point on the west line of Fifth street, fifteen feet north from G street. Thence in a westerly direction, and parallel with G street, eighty feet. Thence in a northerly direction, and parallel with Fifth street, thirty feet. Thence in a westerly direction, and parallel with G street, two hundred and forty feet, to the east line of Fourth street. Thence westerly, two hundred and seventy feet, in a direct line to a point on the south line of G street, one hundred and sixty feet west from Fourth street, thence in a westerly direction and along the south line of G street, three hundred and twenty feet. Thence in a southeast direction, five hundred feet, in a direct line to a point on the north line of H street, one hundred feet west from Fourth street. Thence southerly, and parallel with Fourth street, two hundred and forty feet. Thence in a southwesterly direction, two hundred and forty feet, to the east line of Third street, at a point fifty feet north from the place of beginning. Thence south, along the east line of Third street, to the place of beginning.

Land to be surveyed and divided.**Extension of streets.****Lots to be sold.****Proceeds.**

SEC. 3. It shall be the duty of the Mayor and Common Council of the city of Sacramento to cause the land granted by this Act to be surveyed by the City Surveyor of said city, and divided into lots of convenient size, fronting upon Third, Fourth and Fifth streets, and G and H streets, which streets shall be extended through said property in accordance with the general plan of the streets in said city, and within six months after the passage of this Act they shall cause all of said lots to be sold at public auction, in separate parcels, to the highest bidder, after having first advertised the time, place and terms of said sale, at least twenty days in some daily newspaper published in said city of Sacramento; and the proceeds of the sale of said lots shall be exclusively devoted to constructing and grading Third, Fourth and Fifth streets, and G and H streets, within the boundaries mentioned in Section two of this Act, until said streets shall be finished in a good and substantial manner, and the residue of the proceeds of said sale of lots, if any, shall be paid into the School Fund of said city of Sacramento, to be used for Common School purposes.

CHAPTER CXXXIII.

AN ACT

To provide for the Payment of the Indebtedness of the County of Shasta, contracted prior to the first day of March, A. D. 1857.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors in and for the County of Shasta, for the purpose of paying the outstanding indebtedness of the said county, contracted prior to the first day of March, A. D. 1857, are hereby authorized and empowered annually to levy, and cause to be collected, in the same manner, and at the same time, as other State and County revenue; a special tax, in addition to the taxes now authorized by law, to be levied for the current annual expenses of the county, not exceeding one-half of one per cent. on all the taxable property in said county; said tax to be collected in either legal currency of the United States, or county warrants of said county, issued for the payment of legal indebtedness contracted, prior to the first day of March, A. D. 1857, as the tax payer may elect. Special tax.
Coin or warrants to be received.

SEC. 2. The Board of Supervisors aforesaid, are further authorized and empowered to levy, and cause to be collected, in the same manner, and for the same purpose, as specified in the preceding section of this Act, an annual tax of not more than one per cent. upon the value of every gold watch, and other article of jewelry, worn habitually or occasionally, upon the person, for ornament or utility. *Provided*, That the owner or owners of such watch or jewelry, shall not be subject to the payment of the tax provided for in this section, unless said watch or jewelry, or both together when owned by the same person, are of the value of fifty dollars or upwards. Tax on jewelry.
Proviso.

SEC. 3. All moneys received by the County Treasurer, arising out of the taxes annually assessed and collected, under the provisions of this Act, shall be set apart as a fund, to be called the "Sinking Fund of the County of Shasta," and shall be applied exclusively to the payment of the indebtedness of the county aforesaid, contracted prior to the first day of March, A. D. 1857. Fund set apart.

SEC. 4. Whenever at any time, there shall be in the Sinking Fund, created by this Act, a sum of money amounting to one thousand dollars or upwards, the County Treasurer shall give notice of the fact to the holders of county warrants, issued prior to the first day of March, A. D. 1857, by advertisement, for the space of two weeks, in some newspaper published in the County of Shasta, which notice shall state the amount of money in the Treasury, applicable to the payment and redemption of said warrants, the dates of the presentation of the warrants first entitled to payment, accord- Excess.
Notice given.

Time limited.

Interest cease.

Warrants paid
to be canceled.

Surplus.

ing to their order of registry, and that unless the same be presented within thirty days from the date of the notice, the fund so reserved for the redemption of the same, will be applied to the payment of unpaid warrants next in order of registry; and the money reserved for the payment of warrants, so advertised, and not represented within thirty days from the date of the notice, shall be applied by the Treasurer to the redemption of such unpaid warrants, next in order of registry, as may be presented; and such warrants so advertised, and not re-presented, within the time above specified, shall cease to bear any interest, from and after the expiration of the thirty days immediately subsequent to the date of the notice aforesaid.

Sec. 5. When any county warrant shall be paid into the treasury, under the provisions of this Act, it shall be the duty of the County Treasurer to cancel the same, in the presence of the County Judge, and County Auditor, and said Auditor shall make a certificate thereof, and record the same, which shall be signed by said County Judge, Auditor, and Treasurer.

Sec. 6. Whatever surplus monies arising under the provisions of this Act, may remain in the treasury of the County of Shasta, after the indebtedness of said county, contracted prior to the first day of March, A. D. 1857, shall have been liquidated, shall be paid into, and become part of, the building fund of said county.

CHAPTER CXXXIV.

AN ACT

To amend "An Act concerning Judges of the Plains (Jueces del Campo,) and defining their duties," approved April 25th, 1851.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section seventh of An Act concerning Judges of the Plains (Jueces del Campo,) and defining their duties, approved April 25th, 1851, is hereby amended so as to read as follows:

Duty of Judge of
the Plains.

Section seven. The Judge of the Plains shall arrest and take before any Magistrate any person who may be accused to him or whom he has reasonable ground to suspect of killing, hiding, or otherwise taking away cattle, horses, or other animals belonging to others, and shall execute any warrant delivered to him by any Magistrate for larceny or other offense concerning said described property; he shall execute any warrant delivered to him by any Justice of the Peace, for the purposes herein named, and otherwise

shall have and exercise the same powers as any Sheriff, Constable, Compensation. or Police-officer, in the cases provided for by the Act entitled "An Act to punish Vagrants, Vagabonds and dangerous and suspicious Persons," approved April 30th, 1855, and the Act amendatory thereof, approved February 19th, 1856, for making an arrest, or the service of process, or other services in criminal cases, he shall receive the same fees or compensation as the Sheriff.

CHAPTER CXXXV.

AN ACT

To legalize Certain Records in the County of Solano.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The records of all deeds, conveyances, mortgages and other instruments of writing, of whatever description, which by law are required to be recorded, and which are recorded in certain books of record now remaining in the office of the County Recorder of Solano County, known and designated as book "A" and book "B," containing the records of deeds, mortgages, and other documents relating to lands and real estate in Solano County, and which were recorded in said books of record previous to the passage of the "Act concerning County Recorders," passed March 26th, 1851, (which books of record were the books of record of Stephen Cooper, Judge of the First Instance of the District of Sonoma, and were deposited in said County Recorder's office by said Judge of First Instance,) are hereby legalized and declared to have the same force and effect as though the same were recorded in said County Recorder's office subsequent to the passage of this Act, and in accordance with the said "Act concerning County Recorders," passed March 26th, 1851.

Books of record.

Made legal.

SEC. 2. The record of all deeds, mortgages and other instruments, recorded in said books of record, and certified copies thereof, made by the County Recorder of said county under his official seal, shall be received in evidence in all the Courts of Record in this State, and shall in every respect have the same force and effect as other records and copies of records of said office, made since the passage of said "Act concerning County Recorders," passed March 26th, 1851.

Records, &c., to be evidence.

CHAPTER CXXXVI.

AN ACT

To provide for the Payment of the Debts of the Counties of San Luis Obispo and Santa Barbara.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors to
levy tax.

SECTION 1. The Boards of Supervisors in and for the Counties of San Luis Obispo and Santa Barbara, in addition to the other taxes they may levy under authority of law, may annually levy a special tax, not exceeding one-half of one per cent. on the real and personal property in their respective counties, to be assessed, collected, and paid, in the same manner, and at the same time, as other taxes are, or may hereafter be assessed, collected and paid.

Sinking Fund.

SEC. 2. The proceeds of said special tax, together with one-third of all amounts of money received into the County Treasury of each of said counties, for county purposes, from licenses, shall constitute the Sinking Fund of each of said counties, and shall be kept as such by the County Treasurer thereof.

For what used.

SEC. 3. No payments shall be made out of the said Sinking Funds, except for the purchase of outstanding warrants drawn upon the respective Treasurers of said counties, in the manner hereinafter provided.

Supervisors
contract for
purchase of
warrants.

SEC. 4. The Board of Supervisors of each of said counties shall and may, during the first week of any of their regular meetings, make and enter into such contract or contracts as to them may seem meet, for the purchase of said outstanding warrants of their respective counties, irrespective of any order of date, and draw on the said Sinking Fund of their respective counties for the purchase money. *Provided*, That said Boards shall make no purchase for a price greater than ninety cents on the dollar of the principal of said warrants, excluding interest.

Order drawn on
Treasurer.

SEC. 5. Said Boards of Supervisors, upon the purchase of any warrant, or warrants, under the provisions of this Act, shall draw their order on the Treasurer of their respective counties for the purchase money, payable to the person from whom such warrants shall have been purchased; which order shall be signed by the President and countersigned by the Clerk of the Board drawing the same; and orders so drawn shall be paid from said Sinking Fund according to the order of their presentation.

Entries to be
made.

SEC. 6. Whenever warrants are purchased as aforesaid, the Board of Supervisors purchasing the same shall cause entries to be made in their minutes, specifying from whom the same shall have been purchased, the number and date, the amount of the principal of each warrant, and the price ordered to be paid for the same; and before the adjournment of such Board for the term, they shall cause to be made out a correct list of the warrants purchased by

them, giving the items of information contained in the minutes, which list shall be signed by the President and countersigned by the Clerk of the Board, and delivered to the Treasurer of the County, and filed by him in his office; and the Treasurer shall immediately upon receipt of said list cancel the registration of all warrants specified therein, which shall have been registered in his office in accordance with law.

List of warrants purchased.

Registry canceled.

SEC. 7. The warrants purchased under the provisions of this Act shall be deposited after cancellation in the office of the Clerk of the Board of Supervisors, who shall keep a book in which he shall register each warrant purchased, giving its date, amount and from whom purchased.

Canceled warrants.

SEC. 8. The Treasurer of each of said counties shall keep a separate account under the head of Sinking Fund of all moneys received from the sources specified in the second section of this Act, and said moneys shall never be used or mixed with other funds except as herein provided for; and on the final settlement of his accounts he shall be chargeable with all the moneys, as received, subject to credits in his favor equal to the amount or amounts of paid orders drawn upon said fund as provided for in this Act, and produced by him.

Sinking Fund account.

Treasurers accountable.

SEC. 9. The Act entitled An Act to provide for the payment of the Debt of Santa Barbara County, approved April 2d, 1856, is hereby repealed.

Repeal.

CHAPTER CXXVII.

AN ACT

Recommending to the Electors to vote for, or against, a Convention to revise and change the Constitution of this State.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The electors of the State are recommended to vote at the next election for members of the Legislature, to be held on the first Wednesday in September next, for or against calling a Convention to revise and change the Constitution of this State. The ballots used at such election, may contain the words "For a Convention," or the words "Against a Convention," or words to the same effect, written or printed thereon. And the Inspector and Judges of Election, at each and every poll in the State, shall ascertain and make returns of the number of votes cast in favor of a Convention, and the number of votes cast against a Convention, as aforesaid, in like manner, and with the same particularity, as

Ballots.

To be counted and returned.

other votes are required by law to be counted and returned, and an abstract thereof shall be sent by each and every County Clerk to the Secretary of State, in the same manner and at the same time that votes for members of the Assembly are by law required to be sent.

Abstract.

SEC. 2. The Secretary of State shall prepare and lay before the Senate and Assembly, at the commencement of the next session of the Legislature, in January next, A. D. 1858, or as soon thereafter as possible, a complete abstract of the whole number of votes cast for, and the number cast against a Convention.

CHAPTER CXXXVIII.

AN ACT

Concerning the Eighth, Ninth and Fifteenth Judicial Districts of this State, and the Judges thereof.

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Eighth District. SECTION 1. The Eighth Judicial District shall be composed of the Counties of Del Norte, Klamath and Humboldt. The Ninth
Ninth. Judicial District shall be composed of the Counties of Shasta,
Fifteenth. Siskiyou and Trinity; and the Fifteenth Judicial District shall be composed of the Counties of Butte, Colusi, Tehama and Plumas.

Judges' salary. SEC. 2. The Judges of the Eighth, Ninth and Fifteenth Judicial Districts, shall receive for their services, annually, in the manner provided by law for the payment of salary of District Judges, the sum of five thousand dollars each.

Times of holding Court in Eighth District. SEC. 3. The Judge of the Eighth Judicial District shall hold, in each of the counties of said district, three terms of his court each year, commencing as follows: In the County of Del Norte, on the first Monday of May, August and November; in the County of Humboldt, on the first Mondays in the months of March, June and September; and in the County of Klamath, on the first Mondays in April, July and October.

Ninth. SEC. 4. The Judge of the Ninth Judicial District shall hold in each of the counties of said district, three terms of his court each year, commencing as follows: In the County of Shasta, on the third Mondays in January, May and September; in the County of Siskiyou, on the first Mondays in March, July and November; and in the County of Trinity, on the second Mondays in April, August and December.

Fifteenth. SEC. 5. The Judge of the Fifteenth Judicial District shall hold

in each of the counties of said district, three terms of his court each year, except in the County of Butte, in which county there shall be four terms, commencing as follows: In the County of Colusi, on the fourth Monday of December and May, and the second Monday of August; in the County of Tehama, on the first Monday of February, June and September; in the County of Butte, on the second Monday of January and May, and fourth Monday of August and second Monday of November; and in the County of Plumas, on the second Monday of April, July and October.

SEC. 6. There shall be elected at the general election in the year 1857, by the counties composing the Fifteenth Judicial District, a District Judge, who shall hold his office for four years, from and after the first day of January, one thousand eight hundred and fifty eight, and his successor shall be elected at the general election next preceding the expiration of said term, and shall hold his office for the term of six years. Judge of
Fifteenth Dist.

SEC. 7. An Act, approved April the tenth, eighteen hundred and fifty-five, entitled "An Act to amend an Act, entitled an Act amendatory of, and supplementary to, an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers," passed May the fifteenth, eighteen hundred and fifty-four, and "An Act to reduce and establish the Salaries of Officers and Pay of the Members of the Legislature," approved April twenty-first, eighteen hundred and fifty-six, so far as the provisions of said Acts apply to the Eighth, Ninth and Fifteenth Judicial Districts of this State, the Judges thereof, or the counties composing the same, as also all Acts, or parts of Acts, conflicting or inconsistent with this Act, are hereby repealed. This Act to take effect, and be in force, from and after the first day of August, eighteen hundred and fifty-seven. Repeal of Acts
in conflict.

CHAPTER CXXXIX.

AN ACT

Supplementary to an Act entitled "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof."

[Approved March 31, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Nothing in the Act entitled "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," shall be so construed, as in any manner affecting the Salaries of the present Judges of the Districts herein before named. Present Judges
not affected.

CHAPTER CXL.

AN ACT

To amend "An Act to regulate proceedings in Criminal Cases," passed May 1st, 1851.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and sixty, of "An Act to regulate proceedings in Criminal Cases," passed May 1st, 1851, is hereby amended so as to read as follows:

Fine and
imprisonment.

Section four hundred and sixty. A judgment that the defendant pay a fine, may also direct that he be imprisoned until the fine be satisfied, specifying the extent of the imprisonment, which shall not exceed one day for every two dollars of the fine, or in that proportion.

CHAPTER CXLI.

AN ACT

To authorize the Board of Supervisors of San Joaquin County to appropriate Money.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Appropriation.

SECTION 1. The Board of Supervisors of the County of San Joaquin are hereby authorized and empowered to appropriate any sum of money, not exceeding one thousand dollars, from the County Treasury, for the purpose of defraying the expenses of the State Agricultural Fair, to be held at Stockton in the month of September, A. D. 1857.

CHAPTER CXLII.

AN ACT

To define the Boundary Lines of San Bernardino County.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The boundary lines of the County of San Bernardino are hereby declared to be as follows : Beginning at a point on the boundary line of Los Angeles County, where a due south line, drawn from the highest peak of the Sierra de Santiago, intersects the northern boundary of San Diego County ; thence running along the summit of said Sierra to the Santa Ana river, between the ranch of Sierra and the residence of Bernardo Yerba ; thence across the Santa Ana river, along the summit of the range of hills that lie between the Cayotes and Chino, (leaving the ranchos of Outiveras and Ybana to the west of this line,) to the southwest corner of the ranch of San Jose ; thence along the eastern boundaries of said ranch and of San Antonia, and the western and northern boundaries of Cucaimonga ranch to the ravine of Cucaimonga ; thence up said ravine to its source in the Coast Range ; thence due north to the northern boundary of Los Angeles County ; thence northeast to the State line ; thence along the State line to the northern boundary line of San Diego County ; thence westerly, along the northern boundary line of San Diego County, to the place of beginning. Boundaries.

SEC. 2. All acts performed since March the twenty-fifth, eighteen hundred and fifty-six, by the authorities of San Bernardino County, within the limits thereof, as herein described, shall have the same force and effect as if an Act entitled an Act amendatory of an Act entitled an Act dividing the State into counties, and establishing the Seats of Justice therein, passed April 25th, 1851, approved March 26th, 1856, had never been passed. Acts legalized.

CHAPTER CXLIII.

AN ACT

Concerning the Board of Supervisors of Los Angeles County.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- ASSESSMENT.** SECTION 1. The assessment roll of the County of Los Angeles, made by the County Assessor, or his deputies, for the year eighteen hundred and fifty-six, and presented to the Board of Supervisors of said county in the month of March, eighteen hundred and fifty-seven, and accepted by said Board, is hereby declared the legal assessment roll of said county for the year eighteen hundred and fifty-six, in the same manner and with the same effect as if made and duly returned in the manner and at the time required by law.
- EQUALIZATION.** SEC. 2. The equalization of said assessment roll made, or to be made at any time previous to the first of June, eighteen hundred and fifty-seven, is hereby legalized in every respect in the same manner as if made at the time required by law. *Provided,* That any tax-payer shall be entitled to have his taxes equalized until the seventh of June next.
- PROVISO.** SEC. 3. The election of the present Board of Supervisors of said county is hereby legalized, and hereafter the said Board shall be elected by the general vote of the said county.
- ELECTION OF SUPERVISORS.** SEC. 4. The Board of Supervisors of said county is hereby authorized to set apart not exceeding one-fifth of the annual revenue of said county, to be denominated a "Cash Fund," which shall be devoted to the payment of such current expenses as may be thought proper by the Board, other than fees or salaries of office.
- FUND SET APART.** SEC. 5. The said Board is forbidden from paying or discharging any debt or liability incurred upon any account whatsoever, by allowing county warrants to issue for a sum less than par. *Provided,* That said Board shall allow the County Auditor, for his services in attending to the settlement of the accounts of the Sheriff or County Treasurer, eight dollars for each day so employed.
- DEBTS NOT TO BE PAID BY WARRANTS AT LESS THAN PAR.**

CHAPTER CXLIV.

AN ACT

To limit the time for presentation of Claims against Counties, and for receiving payment for the same.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All unaudited claims or accounts against any county in this State, shall be presented to the Board of Supervisors of the said county, duly authenticated, within twelve months from the time such claims or accounts become due and payable. *Provided,* Nothing contained in this section shall be so construed as to prevent the presentation and auditing of any claim now due against any county in this State, at any time within twelve months from the passage of this Act. Unaudited accounts.
Proviso.

SEC. 2. No claims or accounts against any county in this State shall be audited or allowed by the Board of Supervisors, or any other authority of said county, unless the provisions of the foregoing section are strictly complied with. Provisions to be complied with.

SEC. 3. No claim which has once been presented and rejected, shall ever again be considered or allowed, by any subsequently elected and organized Board of Supervisors of the same county. First rejection final.

SEC. 4. All warrants not demanded and drawn from the County Auditor, within one year from the date of their issuance, shall be forfeited to the county, and be canceled under the direction of the Board of Supervisors. When forfeited

SEC. 5. The provisions of this Act shall not be deemed to apply to the city and county of San Francisco.

CHAPTER CXLV.

AN ACT

Concerning Official and other Bonds.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION. 1. In all cases when official bonds are required, or may be hereafter required from State or county officers, the officer

Conditions to be observed. or officers whose duty it is, or may be, to approve such bonds, shall not accept or approve any such bond, unless in addition to the present requirements of the law, the sureties shall severally justify before an officer authorized to administer oaths as follows: First. On a bond given by a State officer, that he is a resident and freeholder or householder within this State; and on a bond given by a county officer, that he is a resident and freeholder or householder within such county, or within an adjoining county. Second. That he is worth double the amount for which he becomes surety, over and above all his debts and liabilities, in unincumbered property, situated within this State, which may be levied upon, and is not exempt from execution and forced sale.

Penal sum exceeds. Sec. 2. When the penal sum of any bond hereafter to be given, amounts to more than one thousand dollars, the sureties may become severally liable for portions not less than five hundred dollars of such penal sum, making in the aggregate at least two sureties, for the whole penal sum. And if any such bond shall become Bond forfeited. forfeited, an action may be brought thereon, against all or any number of the obligors, and judgment be entered against the obligors, either jointly or severally, as they may be liable. *Provided*, That judgment shall not be entered against a surety severally bound, for a greater sum than that for which he is specifically liable, by the terms of said bond. Each surety shall be liable to contribution to his co-sureties, in proportion to the amount for which he is liable.

Certain bonds. Sec. 3. All bonds or undertakings given by trustees, receivers, assignees, or officers of a court, in an action or proceeding, for the faithful discharge of their duties, where it is not otherwise provided by law, shall be in the name of, and payable to the people of the State of California; and upon the order of the court where such action or proceeding is pending, may be prosecuted for the benefit of any and all persons interested therein.

CHAPTER CXLVI.

AN ACT

To prescribe the mode of drawing Grand Jurors and Trial Jurors in the City and County of San Francisco.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Duty of Supervisors.

SECTION 1. The Board of Supervisors of the city and county of San Francisco shall, annually, between the first Monday in January,

and the first day of April, by an order to be entered on their journal, apportion among the several districts in said city and county, the number of persons who shall be returned from each district for Grand Jurors and Trial Jurors, as in this Act provided. The whole number to be returned for the said city and county for Grand Jurors shall be not less than four hundred, nor more than five hundred; and for Trial Jurors, not less than twelve hundred, nor more than fifteen hundred, to be apportioned among the several districts aforesaid, as nearly as may be convenient, in proportion to the number of qualified voters residing in each district.

Number of
Grand Jurors.
Of Trial Jurors.

Sec. 2. The Supervisors of each district in said city and county, or if there be a vacancy in the office of Supervisor, then the School Director of such district, shall annually, during the first week in April, make out from the names of persons resident in his district, found upon the assessment roll of that year, a list of persons and their places of residence, qualified to serve as Grand Jurors, and not exempt by law, equal to the number apportioned to such district for Grand Jurors by the Board of Supervisors, as aforesaid, and another distinct list of persons, also residents in his district, and taken from the assessment list, with their places of residence, qualified to serve as Trial Jurors, and not exempt by law as aforesaid, equal to the number so apportioned to such district for Trial Jurors, and shall return said list, signed and certified by him, to the Board of Supervisors, who shall immediately take action thereon, and may alter said lists by striking any names therefrom and inserting in the place thereof, the names of any persons residing in the proper district, liable to serve as Jurors, and may also add names of persons so liable to complete the lists, whenever the full number of names shall not be returned from any district. From the several district lists, by them revised and completed as above provided, the said Board shall make a general list on which there shall not be less than four hundred names, from which all Grand Jurors shall be drawn, and another general list on which there shall not be less than twelve hundred names, from which Trial Jurors shall be drawn, as provided for in this Act; and the said general lists, certified by the President and Clerk of said Board, shall be recorded on the journal of said Board, and returned to the County Clerk. Immediately thereafter the County Clerk shall write upon a separate paper or ballot, each name contained on the two lists so returned to him, and shall, in the presence of the President of the Board of Supervisors, compare the ballots so made out with the original lists returned as aforesaid, and deposit in a box, to be prepared for that purpose, all the ballots containing the names returned for Grand Jurors; and in a separate box, to be likewise prepared for that purpose, all the ballots containing the names so returned for Trial Jurors. The ballots, before being deposited in the boxes, shall be closely folded, so as to conceal the names written upon them. From the box containing the names returned for Grand Jurors, all Grand Juries shall be drawn by lot; and from the box containing the names returned for Trial Jurors, all Trial Juries shall be drawn by lot.

Persons to serve
as Grand Jurors.

As Trial Jurors.

General Lists.

Lists certified.

Duty of County
Clerk.

Manner of
drawing Juries.

Sec. 3. Upon renewing the said lists annually, all the ballots not drawn out during the year, containing the names of persons still residing in the county, qualified to serve on juries, and not

Ballots not
drawn.

exempt by law, shall be retained on the lists of the several districts where they belong, and the Supervisor of each district in making out his list, shall add so many names thereunto as shall be requisite to complete and keep good the number of names apportioned for his district, as prescribed in the preceding section, but shall not return the names of persons who shall have actually served as Jurors during the year next preceding.

Boxes and keys. SEC. 4. The boxes shall be furnished with safe locks and keys, which, together with said boxes, shall remain in the custody and safe keeping of the County Clerk; and if any person shall unlock or open either of said boxes, or deposit any names or ballots therein, or extract any ballots therefrom, when not authorized by order of court, he shall be deemed guilty of felony, and on conviction thereof, shall be punished by imprisonment in the State's Prison, for a period not less than one year, nor more than five years.

Felony and punishment.

Juries. SEC. 5. Whenever a Grand Jury, or a Trial Jury, is authorized by law to be drawn and summoned, for any of the courts of said city and county, except the Police Court, Justices' Courts, and Coroners' Juries, the County Clerk, upon receipt of the order therefor from the proper court, shall request the attendance at his office, of the Sheriff, and shall then, in the presence of said Sheriff, and at least two witnesses, to be named by the Judge of said court, proceed to draw by lot the requisite number of names for Grand Jurors, or Trial Jurors, as the case may be; (the number so to be drawn for Trial Jurors, to be fixed by an order of the proper court, and to be not less than twenty-four, nor more than forty-eight;) and shall deliver a list of the persons so drawn, with their residences, certified by him to the Sheriff, who shall summon the jurors so drawn, in the manner now provided by law. The County Clerk shall also return to the proper court, a list of names of the jurors drawn, with their residences, and file a copy thereof in his office.

Manner of proceeding.

Sheriff to summon.

Name of person disqualified. SEC. 6. If at the time of drawing any ballot from the box, it shall be ascertained by the officers aforesaid, that the person whose name appears on it, is from any cause disqualified, such ballot, unless in case of temporary disqualification, shall be destroyed, and another drawn in place of it, until the requisite number be completed.

Jury in attendance. SEC. 7. If, of the persons summoned as Grand Jurors, for any term of a court, less than seventeen attend, or by challenge or otherwise, the number in attendance shall be reduced to less than seventeen, the number requisite to complete the Grand Jury, shall be drawn from the proper box, and summoned in the same mode as the original number.

Trial Juries. SEC. 8. Whenever from any cause, during any term of a court, a Trial Jury shall be required, and ordered by the court to be summoned, or the requisite number to complete such Trial Jury, where one has been drawn and summoned, shall not be in attendance, such Trial Jury, or the requisite number to complete such Trial Jury, shall be drawn from the proper box, and summoned in the manner provided by law, except in such civil cases wherein the parties or their attorneys may consent that the Sheriff shall summon a jury, or the requisite number to complete a jury, in such case, from the body of the county, and not from the bystanders, to be specified in such consent, which shall be entered of record.

SEC. 9. All ballots drawn from the boxes containing the names of persons who may be, at the time of such drawing, temporarily disqualified, or excused by the Judge from serving as jurors, from sickness, challenge, or other causes, shall be replaced in the boxes. All other ballots drawn from the boxes shall be destroyed after the list of persons drawn have been made out, as hereinbefore provided, and if, at any time during the year, the number of names returned for Grand Jurors remaining in the box, shall be reduced to less than one hundred, and those returned for Trial Jurors, to less than three hundred, it shall be the duty of the County Clerk, to certify such fact to the County Judge, who shall, by order directed to the Board of Supervisors, require additional names to be returned, and the original list to be completed, in the mode prescribed in the third section of this Act.

Persons disqualified.

Duty of Clerk.

SEC. 10. All provisions of law conflicting with the provisions of this Act, so far as they relate to the city and county of San Francisco, are hereby repealed.

Repeal.

CHAPTER CXLVII.

AN ACT

To amend and supplemental to an Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads, passed May 12th, 1853.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Sections one hundred and fifty and one hundred and fifty-one of "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," passed May 12th, 1853, are hereby amended so as to read as follows :

Section one hundred and fifty. Such association is authorized to construct lines of Telegraph along and upon any road or highway, or across any of the waters or any lands within the limits of this State, by the appropriation of any trees growing by nature, or by the erection of the necessary fixtures, including posts, piers, or abutments, for sustaining the wires of said lines. *Provided*, The same shall not be so constructed as to incommode the public use of said road or highway, or injuriously interrupt the navigation of said waters ; nor shall this chapter be so construed as to authorize the construction of any bridge across any of the navigable waters of this State.

Telegraph lines.

Proviso.

Section one hundred and fifty-one. If any person over whose

Persons
damaged.

Commissioners
to appraise.

Corporation to
pay damages
and costs.

Fees of
Commissioners

Persons subject
to fine, &c.

Masters of ves-
sels when liable.

Conditions to be
observed.

lands said lines shall pass, upon which posts, piers or abutments shall be placed, or standing trees appropriated, shall consider himself aggrieved or damaged thereby, it shall be the duty of the County Court of the county within which such lands are, on the application of such person, and on notice of such application being served on the President or any director of such association, to appoint three discreet and disinterested persons as Commissioners, who shall severally take an oath before any person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this Chapter ; and it shall be the duty of said Commissioners, or a majority of them, to make a just and equitable appraisal of all the loss or damage sustained by said applicant by reason of said lines, posts, piers, or abutments, or appropriation of standing trees, duplicates of which said appraisal shall be reduced to writing and signed by said Commissioners, or a majority of them ; one copy shall be delivered to the applicant, and the other to the President or any director or officer of said association or corporation, on demand ; and in case any damage shall be adjudged to said applicant, the association or corporation shall pay the amount thereof, with the costs of said appraisal, said costs to be set forth and liquidated with the damage appraised, and said Commissioners shall receive for their services such compensation as the County Judge may award, to be paid in like manner as the costs and damages appraised. But in no case shall the person feeling himself injured or aggrieved, be entitled to any damage when application is not made to the County Court within three months after the erection of said Telegraph lines across the lands of such person.

SEC. 2. Any person or persons, who shall wilfully or maliciously break, injure, or destroy a subaqueous Telegraph cable, crossing any of the waters of this State, shall, upon conviction thereof be fined in any sum not less than five hundred, nor more than ten thousand dollars, to which may be added imprisonment in the State Prison, for any term not less than one year, nor more than five at the discretion of the court. Such persons so offending, or any person who shall break, injure, or destroy, through neglect or want of proper care, said subaqueous cable, shall also be held liable for full damages arising from the injury or destruction of the same; and any ship, steamer, or other vessel which, by dragging its anchor or otherwise, shall, in any manner damage or destroy said subaqueous cable, upon proof that proper care and discretion were not used by the master of said vessel, or person commanding or having charge of such vessel, at the time the said injury or destruction took place, shall be held responsible for all damages, and the person commanding or having the said vessel in charge, at the time said injuries to said cable were sustained, shall be subject to the fine and imprisonment hereinbefore provided.

SEC. 3. Before any association formed for Telegraph purposes shall be entitled to the benefits of section second of this Act, they shall cause to be erected at the commencement and termination of said subaqueous cable, on the shores of the water such cable underlies, suitable monuments, one on each shore, indicating the place of said cable, and shall also cause to be published, in a public newspaper having a fair circulation, on and about the waters crossed by

said cable, a public notice setting forth a description of said monuments, together with the termination and course of said cable. Such notice shall be published at least one month, and it is herein provided, that no association for Telegraph purposes shall be entitled to the benefits of section second of this Act, unless said subaqueous cable be not less than two miles from the center of shipping, in the port of San Francisco.

CHAPTER CXLVIII.

AN ACT

In relation to Suits brought on Bonds and Obligations in favor of the State.

[Approved April 2, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. When an action is commenced in any Court in this State for the benefit of the same, to enforce the penalty of, or to recover money upon an official bond or obligation, or any bond or obligation executed in favor of the State of California, or of the people of this State, the Attorney or other person prosecuting the action, may file with the Court in which the action is commenced, an affidavit stating either positively, or on information and belief, that such bond or obligation was executed by the defendant, or one or more of the defendants, (designating by whom,) and made payable to the people of the State, or to the State of California, and that the defendant or defendants have real estate, or interest in lands, designating the county or counties in which the same is situated, and that the action is prosecuted for the benefit of the State, and thereupon, the Clerk receiving such affidavit shall certify to the Recorder of the county or counties in which such real estate is situated, the names of the parties to the action, the name of the Court in which the action is pending, and the amount claimed in the complaint, with the date of the commencement of the suit.

Actions for the benefit of State.

Mode of procedure.

SEC. 2. Upon receiving such certificate, the County Recorder shall indorse upon it the time of its reception, and such certificate shall be filed and recorded in the same manner, as notices of the pendency of an action affecting real estate, and any judgment recovered in an action specified in the first section of this Act shall be a lien upon all real estate situated in any county in which such certificate is so filed belonging to the defendant, or to one or more of such defendants, and shall bind such real estate for the amount that the owner thereof is or may be liable, upon the judgment, from the

Certificate.

Fees of Clerk
and Recorder.

filing of the certificate; and the fees due the Clerk and Recorder for the services required by this Act, shall be a charge against the county where the suit is brought, to be recovered like other costs.

CHAPTER CXLIX.

AN ACT

Concerning County Treasurers.

[Approved April 3, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

To receive gold
dust.

SECTION 1. The Treasurer of State is hereby authorized and directed to receive from the County Treasurers of this State, clean gold dust, at the price at which it was received by said County Treasurers, not exceeding seventeen dollars and twenty-five cents per ounce, collected by them prior to the first day of March, 1857.

Duty of
Treasurer.

SEC. 2. It shall be the duty of the Treasurer of State, upon the receipt of said gold dust, to have the same converted into United States currency, at the Branch Mint of the United States at the City of San Francisco, and report the amount thereof to the Controller of State; and in case any loss should be sustained by said conversion, the Treasurer of State shall make affidavit of the same, and file said affidavit in the office of Controller of State, and have credit for the amount of said loss on the books of the Controller, the loss to be charged exclusively to the General Fund.

Affidavit of loss.

CHAPTER CL.

AN ACT

To grant the Right to Construct a Bridge across the Sacramento River between the City of Sacramento and the Town of Washington to certain Parties therein named.

[Approved April 3, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Johnson Price, V. E. Geiger, Geo. P. Gilliss, together with such associates as they may admit, shall take, have, possess and enjoy all the rights, privileges, rights of way, franchises and immunities hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations and providing for the incorporations of bridge companies, and shall adopt the name of Sacramento and Yolo Bridge Company, and shall abide by and fulfill the further conditions hereinafter mentioned.

Parties designated.

Conditions.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct and maintain a public toll-bridge across the river Sacramento, at or near the foot of Broad street, in the city of Sacramento, county of Sacramento, to, or near the foot of Ann street, in the town of Washington, Yolo county, and have and enjoy all rights, privileges and immunities thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company for the term of twenty (20) years. *Provided*, Within one year from the date of the passage of this Act the said company shall commence the construction of said bridge, and within two years shall build and fully complete the same; otherwise the right to construct the same shall be forfeited, and this Act become null and void. Said company shall at all times after its completion keep said bridge in passable order and condition, and shall be responsible for any damage arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. After the expiration of ten years from the completion of said bridge, the counties of Yolo and Sacramento, or either of them, shall have the right to purchase the said bridge, at an appraised value, to be determined by five appraisers, two to be selected by the bridge company, two by the county or counties aforesaid, and one to be selected by the four appraisers herein before provided for; and such value shall be estimated to be the value of the bridge, not including the franchise or right of way. *And, provided further*, That if the said bridge be purchased by the counties of Yolo and Sacramento, or either of them, then the right to levy and collect tolls shall cease.

Powers and privileges.

Term of grant.

Responsibility of Company.

SEC. 3. The said bridge shall be constructed in the best and most approved plan, in a substantial manner, and of the most dur-

Construction of bridge.

- able materials, and shall have a draw or opening of sufficient dimensions, not less than sixty feet wide, as will admit the passage of the largest class steamers plying in or upon said river, to any point of travel above the City of Sacramento; and the said company shall at all times keep said draw or opening in good working condition; and shall also employ not less than two persons, one of whom shall
- Employees.** be in constant attendance at said draw or opening, for the purpose of allowing an uninterrupted navigation of the river; and any damage that may accrue by reason of his absence or inattention to the duties as prescribed, shall be at the cost and expense of said bridge owners, to be recovered by an action in any court of competent jurisdiction.
- Rates of toll.** **SEC. 4.** The said company, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll, as the Board of Supervisors of Sacramento County may fix annually. *Provided*, That the Legislature may at all times modify or change the rates, so fixed by said Board of Supervisors, and may authorize the erection of other bridges across said river, at any point where public convenience may require.
- Proviso.**
- Speed of travel.** **SEC. 5.** Said company may regulate and determine the speed of travel, riding or driving, upon said bridge, and may require the speed not to be faster than a walk, and for each violation may recover judgment, before any competent court, for any damage by said company sustained by such travel, riding or driving, exceeding the speed authorized by the company.
- Bulletin board.** **SEC. 6.** Said company shall keep in some conspicuous place, at each end of the bridge, a bulletin board, which shall contain the scale of prices, and notice of speed allowed on said bridge. *Provided*, That nothing in this Act shall be so construed as to in any way prevent the Board of Supervisors of Sacramento County from granting license to the present Ferry Company, or any other ferry, that the said Board may deem necessary for the convenience of the public.
- Proviso.**

CHAPTER CLI.

AN ACT

Concerning certain Fees paid by the County of Placer.

[Approved April 4, 1867.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Clerk of Placer County shall receive, for all services required of him by law, as Clerk, Auditor, Re-

corder, or Clerk of the Board of Supervisors, and for all other business required of him by virtue of his office or *ex-officio* offices, for which the county is chargeable, the sum of three thousand dollars per annum, to be paid quarterly out of the County Treasury, and in no case whatever shall he be allowed any other fee or compensation for any service rendered for or in behalf of the county by virtue of his office, and the requirements of law, except the sum of seven hundred and fifty dollars per quarter, and the Board of Supervisors, on any other authority, are hereby inhibited from auditing any account or allowing any fee or compensation to the Clerk, for any official service, payable out of the County Treasury, further than the sum above specified.

Compensation of Clerk.

SEC. 2. So much of the Act entitled "An Act to regulate Fees of Office," passed April 10th, 1855, and "An Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers," passed March 20th, 1855, as conflicts with the provisions of this Act, in their application to the County of Placer, are hereby repealed.

Repeal of Acts in conflict.

SEC. 3. This Act shall be in force from and after the second day of June, 1857.

CHAPTER CLII.

AN ACT

To authorize the Treasurer of State to issue certain Interest Coupons.

[Approved April 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows;

SECTION. 1. The Treasurer of State is authorized and required to issue to Messrs. Mebius, Duissenberg & Co., of the city and county of San Francisco, duplicates of the following interest coupons, of the bonds of the State of California: Nos. 294, 339, 342, 395, 535, 689, and 713—seven each, for thirty-five dollars, payable in New York, 1st of January, 1856—whole amount two hundred and forty-five dollars.

Duplicates, to whom issued.

SEC. 2. The said coupons shall be written across the face thereof, "Duplicate," and the said Mebius, Duissenberg & Co., shall execute and deliver to the Treasurer of State, their bond, with good and sufficient security, to the satisfaction of the Treasurer, in a sum double the amount of said coupons, conditioned, that should said original coupons be presented for payment, then, and in that case, the amount of said coupons shall be paid into the State Treasury.

Bond required.

CHAPTER CLIII.

AN ACT

To repeal an Act entitled "An Act in addition and explanatory of an Act for securing Liens to Mechanics and Others."

[Approved April 4, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repeal.

SECTION 1. The Act entitled "An Act in addition and explanatory of an Act for securing Liens to Mechanics and others, approved April 19th, 1856," approved on the 4th of March, 1857, is hereby repealed.

Supra 58-1857

CHAPTER CLIV.

AN ACT

To grant to certain parties the right of laying a Railroad Track along certain streets within the City and County of San Francisco.

This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law, this sixth day of April, 1857.
DAVID F. DOUGLASS, Secretary of State.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Parties designated.

SECTION 1. It shall be lawful for Thomas Hayes, Charles H. S. Williams, William C. Hoff, Benjamin Richardson, Elliot J. Moore, John Satterlee, Edward Seaman, Eli F. Baldwin, William Greene, Elisha Cook, Joshua P. Haven and William M. Lent, or a majority of said parties, and others whom they may associate with themselves, to construct a double track iron Railroad, commencing at the junction of Market and California streets, in the city and county of San Francisco, and running through said Market street, to its junction with Valencia street; thence along said Valencia street, to the present southern limits of said city and county; and said parties shall have the right of running cars upon the said road, and levying and collecting tolls for the transportation of passengers and freight.

Privilege granted.

SEC. 2. The parties designated in Section first, shall grade, en-

tirely at their own expense, and keep in repair, the line on which said road shall be constructed. Said road shall be laid in the center of said Market and Valencia streets, and shall be a double iron track, and shall not occupy a space of more than twenty-two feet from outside rail to outside rail; and the grading of said road shall conform to the grade of the said streets, as the same has been established by ordinance of the Common Council of said city.

Road graded, &c., at expense of parties.

SEC. 3. Said parties shall complete, within the period of twelve months next following the passage of this Act, a section of said Railroad, which shall be equal to one-fourth of the distance from the point of commencement to Center street; and within a period of four months next following, a second section, equal to another fourth of said distance; and within a period of four months next following, a third section, equal to the third fourth of said distance; and within the period of four months thereafter, shall complete the remaining section, to Center street, in said city.

Road when to be built and completed.

SEC. 4. To insure the completion of said road, it is provided that if the parties designated in Section first shall fail to fulfil any of the conditions contained in Section third of this Act, in respect to the completion of any of the said sections of the said road, within any of the several periods therein named, then this privilege may be declared forfeited, ceased and determined, by the government of said city and county, within ten days after the expiration of such period; and thereupon the section or sections of said road, or parts of the same, that shall then be completed, or in process of completion, shall revert, with all their appurtenances, and in their then condition, to the City and County of San Francisco, unless the government of said city and county shall, for satisfactory reasons, enlarge the said period or periods.

Failure, privilege forfeited.

SEC. 5. Only horses and mules shall be used on the track of said Railroad, and they shall not be driven at a speed exceeding eight miles per hour, under a penalty of one hundred dollars for each offence against this provision, upon conviction of the same, to be recovered in any court of competent jurisdiction in the city and county of San Francisco, for the benefit of said city and county.

Animals used.

SEC. 6. Said parties shall have running, at the usual hours of travel, sufficient and comfortable cars for passengers, as well as others for the business purposes connected with the line.

SEC. 7. The government of said city and county may, when said road is opened for use, from time to time, alter or reduce the rate of tolls, freights, fare, or other profits upon such road, but the same shall not, without the consent of the parties named in the first section of this Act, be so reduced, as to produce less than twenty-four per cent. per annum in nett receipts on the capital actually paid in; nor unless, on an examination of the amounts received and expended, they shall ascertain that the nett income derived from all sources, for the year then last past, shall have exceeded an annual income of twenty-four per cent. upon the capital paid in.

City authorities reduce tolls, &c.

Reduction limited.

SEC. 8. There shall be taxed yearly, for the support of the municipal and county government, as well the said road, as the cars, draft animals, and other property of the said parties, which shall be connected with, and used for the said road.

Road, &c., to be taxed

SEC. 9. The privileges herein granted, shall continue during a period of twenty-five years, subject nevertheless to the condition,

Limit of grant.

Condition,

that the parties designated in section first, are required to sell, transfer, and convey the said road, together with the cars which may be employed upon the same, to the city and county of San Francisco, at any time within ten years after the completion of the same, upon a demand being made to that effect by the said city and county, and upon the payment to said parties, by said city and county, of the sums of money by them expended in the completion, and appurtenances of the said road, together with an interest thereupon of ten per cent. per annum, up to the period of said demand. *Provided*, That private parties cannot make such purchase, and that the government of said city and county shall not substitute said parties in its stead, in respect to any of the rights conceded to said city and county in this section.

Proviso.

EXECUTIVE DEPARTMENT, April 6th, 1857.

The foregoing Act was retained by me beyond the period (ten days) which is provided by the Constitution of this State within which the same could be approved or returned with my objections. I deemed it improper to give approval to the Act, as I considered the general law of the State regulating corporations confers ample right upon any duly incorporated company, to occupy so much of the public streets of a city as may be necessary to lay down a railroad track, without the necessity of a special enactment, but in consideration of the serious doubts which the corporate authorities and others of that city entertain in relation to this privilege, and so far as can be ascertained the universal expression of those authorities, as well as the community in which the work is proposed to be constructed, in favor of its passage, I have permitted the same to become a law by the necessary lapse of time.

J. NEELY JOHNSON.

CHAPTER CLV.

AN ACT

Supplementary to an Act entitled An Act to apportion the Senatorial and Assembly Districts of this State, passed May 18th, 1853.

[Approved April 6, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fourteenth
District.

SECTION 1. The counties of Butte and Plumas shall form the Fourteenth Senatorial District, and shall be allowed two Senators, to be elected at the next general election. One to hold office for the term of two years, and one whose term of office shall expire on the

first Monday of January, 1859, and at all subsequent general elections the office shall be filled for the term of two years.

CHAPTER CLVI.

AN ACT

Supplementary to an Act entitled "An Act to incorporate the City of Oakland," passed March 25th, 1854.

[Approved April 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All sales of any property situated within the corporate limits of said city for the payment of delinquent city taxes, shall be made at some public place within the bounds of said city. Sales for delinquent taxes.

CHAPTER CLVII.

AN ACT

To amend an Act entitled "An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one," approved March twenty-second, eighteen hundred and fifty-six.

[Approved April 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of an Act entitled "An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one," approved March twenty-second, eighteen hundred and fifty-six, is hereby amended so as to read as follows:

Section one. Section six hundred and ninety-two is hereby amended so as to read as follows:

Compensation of
Dist. Attorney.

Section six hundred and ninety-two. The District Attorney shall receive on each conviction for felony, where the punishment is death, fifty dollars; for each conviction for other felony, twenty-five dollars; on each conviction for misdemeanor, the sum of fifteen dollars; which said sums shall be assessed against the one convicted; and if the same cannot be collected from the defendant, then it shall be considered a county charge, and be audited by the Board of Supervisors. *Provided*, That in the Counties of San Joaquin, Humboldt, Placer and Solano, the fees allowed by this Act to District Attorneys, shall in no event, from and after the passage of this Act, become a county charge. The District Attorney shall receive ten per cent. upon all collections upon forfeited recognizances.

Proviso.

SEC. 2. Nothing in this Act shall be held or construed to apply to the City and County of San Francisco.

CHAPTER CLVIII.

AN ACT

Amendatory of and supplemental to an Act entitled an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, approved March thirtieth, eighteen hundred and fifty-three.

[Approved April 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled an Act to provide for the Protection of Foreigners, and to define their Liabilities and Privileges, approved March thirtieth, eighteen hundred and fifty-three, is hereby amended as follows:

SEC. 2. The second Section of the said Act is hereby amended so as to read as follows:

Blank licenses.

It shall be the duty of the Controller of State to procure a sufficient number of blank licenses, which shall be substantially in the following form, and numbered consecutively, and a record thereof be filed in his office.

Form of license.

TO BE RENEWED UPON EXPIRATION OF TERM	No. —.	No. —.	— COUNTY, (date.)	TO BE RENEWED UPON EXPIRATION OF TERM
	— COUNTY, (date.)	This certifies that — has this day paid the Sheriff of — County, Four Dollars, which entitles him to work in the mines of this State for one month from date.		
	— has paid Four Dollars mining license, which entitles him to work in the mines one month.	Controller of State. By —, Sheriff.		

Every subsequent license after the first, shall be dated from the expiration of the former license, issued by the Sheriff or his deputy, to any foreign miner, who shall have been engaged in mining from the expiration of such former license. How dated.

SEC. 3 The fourth section of said Act is hereby repealed. Repeal.

SEC. 4. The fifth section of said Act is hereby amended so as to read as follows:

The Controller of State shall fill the blanks for the counties, which have been left in the printed form, and shall issue to the Recorder of each mining county, such number of licenses as may be required for the use of said county, taking a receipt therefor, which receipt shall be recorded in a book provided for that purpose, and shall charge the same against said Recorder; and said Recorder shall execute a bond to the State, conditioned for the faithful performance of all the duties required of him by this Act, in the sum of ten thousand dollars, to be approved by the Governor and Controller, and filed in the office of the Controller. Issued to Recorders of mining counties.
Bond.

SEC. 5. The twelfth section of said Act is hereby amended so as to read as follows:

The Controller of State shall, as soon as practicable, compare the returns of the Sheriff with reports of the County Recorder; and if there should be any discrepancy in the statements, it shall be the duty of the Controller to immediately inform the Prosecuting Attorney of the county in which such delinquent resides, who shall commence suit against such delinquent and his sureties forthwith. Controller to compare returns

SEC. 6. The fifteenth section of said Act is hereby amended so as to read as follows:

It shall be the duty of the different Sheriffs to return all unsold licenses to the County Recorder, prior to the fifteenth day of December of each year, and receive new licenses, and the County Recorder shall immediately transmit to the Controller of State said licenses; such licenses so returned shall be placed to the credit of the different County Recorders, on the books of the Controller, and the licenses destroyed. Unsold licenses returned.

SEC. 7. Immediately upon the passage of this Act, the Treasurer of State shall transfer to the Controller of State, all books and papers in his office connected with the issuance of foreign miners' licenses, and when entries have been made on books containing other entries of the business of the Treasury Department, he shall deliver to the Controller certified copies of all such entries respecting the issuance of foreign miners' licenses; and it shall be the duty of the Controller of State to make the necessary settlement with the different officers for licenses heretofore issued. Transfer of books, &c.

SEC. 8. It is hereby made the duty of the Treasurer of each county to which licenses have been issued, to report to the Controller of State, on the first Monday of August next, and on the first Monday of every third month thereafter, the amount of money received by him on account of foreign miners' licenses. Duty of County Treasurers.

CHAPTER CLIX.

AN ACT

To extend the Time for Collecting Taxes in the County of San Mateo.

[Approved April 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Limit of
extension.

Proviso.

SECTION 1. The time for collecting taxes in the county of San Mateo, and rendering account thereof, is hereby extended to the fifteenth day of June, one thousand eight hundred and fifty-seven. *Provided*, That before this extension of time shall take effect, the Tax Collector of said county shall file in the office of the Clerk of the Board of Supervisors of said county the written consent of his sureties to the said extension, or in default thereof, shall execute an additional bond, conditioned, approved and secured according to law, for the faithful discharge of his duties under this Act, in the sum of five thousand dollars.

CHAPTER CLX.

AN ACT

To change the name of Frederick A. Peelsticker, to that of Frederick A. Peel.

[Approved April 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Name changed.

SECTION 1. The name of Frederick A. Peelsticker, is hereby changed to that of Frederick A. Peel.

CHAPTER CLXI.

AN ACT

To amend an Act entitled "An Act to regulate Fees of Office," approved April tenth, eighteen hundred and fifty-five.

[Approved April 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section thirteen of an Act entitled "An Act to regulate Fees of Office, approved April tenth, eighteen hundred and fifty-five," is hereby amended so as to read as follows: For attending in any civil suit or proceeding before any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day three dollars; for traveling to the place of trial, for each mile, twenty-five cents. No person shall be obliged to testify in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same, and no person shall be obliged to attend in a civil action or proceeding as a witness without the county in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial. Allowance per day and mileage.

SEC. 2. The fees of witnesses in the county of San Francisco shall remain the same as allowed by law previous to the passage of this Act. Not apply to San Francisco.

SEC. 3. Section thirty-two of said Act is hereby amended so as to read as follows:

Section thirty-two. For attending in any civil suit or proceeding before any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day two dollars; for traveling to the place of trial, for each mile, twenty-five cents. No person shall be obliged to attend as a witness in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same; and no person shall be obliged in a civil action or proceeding to attend as a witness without the county in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial. Per diem and mileage.

CHAPTER CLXII.

AN ACT

Making orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, receivable in payment of County Taxes and Dues in said county.

[Approved April 7, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Warrants received for taxes.

SECTION 1. All orders or warrants drawn on the County Treasurer of Stanislaus County, and payable out of the county revenue, shall be received in payment of County taxes, licenses, and all county dues, either from the person or persons in whose favor it was drawn, or his, her, or their assigns. *Provided*, That nothing in this Act shall be so construed, as to authorize any Collector of county taxes or dues, to receive more than eighty per cent. of the amount due from each person or persons, in such orders or warrants ; *and, provided further*, That the Treasurer of said county, shall not receive more than fifty per cent. of the amount due for Ferry licenses, when one-half of said amount is payable to an adjoining county, in such warrants or orders, drawn on said County Treasurer, as aforesaid.

Proviso.

Repeal of Acts in conflict.

SEC. 2. So much of an Act, passed May seventeenth, A. D. eighteen hundred and fifty-three, as is inconsistent with the provisions of this Act, is hereby repealed.

CHAPTER CLXIII.

AN ACT

To amend an Act entitled "An Act to aid the Officers of the Indian Department, appointed by the General Government for the State of California, in the discharge of their duties," approved April twenty-first, eighteen hundred and fifty-six.

[Approved April 9, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of an Act entitled "An Act to aid the Officers of the Indian Department, appointed by the General

Government for the State of California, in the discharge of their duties," approved April twenty-first, eighteen hundred and fifty-six, is hereby amended so as to read as follows :

Section one. It shall be unlawful for any person or persons to wilfully and maliciously interfere with, or in any way interrupt the Superintendent of Indian Affairs, or any one of the Indian Agents of the General Government, or their employees, connected with the Indian Department in this State, in the discharge of their duties in said Department, either by seeking to lessen their influence with the Indians, or by seeking to hinder or frighten the Indians from going to the Reservations, or such other place as may be designated by the Superintendent, or by enticing them away from the Reservations, or such other place as aforesaid, or by harboring them, or by interfering with them in any other malicious way whatever. Conduct considered unlawful.

SEC. 2. Section two of said Act is hereby amended so as to read as follows :

Section two. Any person or persons violating any of the provisions of the first Section of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any Court of competent jurisdiction, shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the County Jail, not exceeding six months, or by both such fine and imprisonment. Misdemeanor.

CHAPTER CLXIV.

AN ACT

To authorize the Governor to remove Insane Persons from the State Prison to the Insane Asylum.

[Approved April 9, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever any convict, confined in the State Prison, shall, in the opinion of the Physician of the Prison, be insane, and should be removed to the Insane Asylum, the Physician shall make oath to the same, before the County Judge, in the county in which the said Prison is located, and said Judge shall summon two competent physicians, to examine the alleged case of insanity, and if in their opinion the said convict is of unsound mind, and should be removed, the Judge shall send the statement of said physicians with his opinion, to the Governor, who is hereby authorized, in his discretion, to remove said convict to the State Insane Asylum. Insane convicts.

SEC. 2. Should said convict recover his sanity, before the expi- Recover sanity.

ration of his term of sentence, the Resident and Assistant Physician of the Asylum shall certify the same to the Governor, who, upon the receipt of such certificate, shall order said convict to be sent back to the State Prison.

CHAPTER CLXV.

AN ACT

To incorporate the Town of Columbia, in the County of Tuolumne.

[Approved April 9, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Powers and privileges of Corporation.

SECTION 1. The inhabitants of the town of Columbia, in the county of Tuolumne, and State of California, residing within the bounds hereinafter described, are hereby declared to be incorporated under the provisions of "An Act to provide for the incorporation of towns, passed April 19th, 1856," with the style and name of the town of Columbia, and by that name they shall have perpetual succession, may sue and be sued, and may purchase, receive, hold and possess property for their common benefit, and may sell or otherwise dispose of the same.

Boundaries.

SEC. 2. The boundaries of said town shall be as follows: Commencing at a post west of the Catholic Church and near to the road leading to Springfield, and running thence north five-eighths of a mile over the old Columbia Gulch, and along the western slope of Gold Hill to a post near the Gold Springs road; thence east five-eighths of a mile to a post in Corral Gulch; thence south five-eighths of a mile to a post on the hill towards San Diego; and thence five-eighths of a mile to the place of beginning.

Trustees, when elected.

SEC. 3. The corporate powers and duties of said town shall be vested in a Board of Trustees, to consist of five members, who shall be elected by the qualified electors of said town, on the second Monday of May in each year, and shall hold office for the term of one year, and until their successors are qualified.

Town officers.

SEC. 4. There shall be elected at the same time and in the same manner, a Town Marshal, a Treasurer and Assessor, who shall likewise hold office for the term of one year, and until their successors are qualified. They shall receive such compensation for their services as the Board of Trustees may from time to time direct.

Power of Trustees.

SEC. 5. The Board of Trustees shall have power to open, alter, extend, establish, pave, grade, or otherwise improve, and to regulate streets, lanes and alleys; to construct and keep in repair

bridges; to open and establish public squares, burial grounds, and construct flumes or aqueducts for draining and relieving the streets and thoroughfares of the town from water; they shall have power to organize and support common schools and academies; to make regulations for securing the health, cleanliness, ornament, peace and good order of the town, and for preventing and extinguishing fires. They shall have power to levy taxes not exceeding one per cent. per annum on the assessed value of the real and personal property within the town for the support of free schools, and for defraying the ordinary expenses of the town; to license exhibitions, shows, amusements, bowling alleys and billiard tables; to suppress all occupations, places, houses and exhibitions which are against good morals and contrary to public order and decency; to regulate and change slaughter houses and to remove and abate nuisances.

Common Schools.

Taxes.

Licenses.

SEC. 6. The Trustees shall [have] power to levy and collect a poll-tax of one dollar per head from every male inhabitant residing within or transacting business within the limits of the town, which shall be specially used for the improvement of the streets in the town or the thoroughfares leading thereto.

Poll tax.

SEC. 7. The elections and returns under this Act shall be regulated in the same manner as is prescribed in the Act to provide for the incorporations of towns.

Elections.

SEC. 8. This Act shall commence and be in force from the passage thereof, and the Trustees and officers now acting as such in said town, shall have the same powers and duties as is provided for in this Act, and until the election provided herein to be holden on the second Monday in May next.

Take effect.

CHAPTER CLXVI.

AN ACT

To define the Time of holding the District Court in the Fourteenth Judicial District.

[Approved April 9, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The terms of the District Court of the Fourteenth Judicial District, shall be held as follows: In the County of Nevada, on the third Monday of May, first Mondays of August and October, and second Mondays of December of each year. In the County of Sierra, on the first Mondays of April, July, September and November, of each year.

Nevada Court

Sierra.

SEC. 2. All laws and parts of laws, conflicting with the provisions of this Act, are hereby repealed.

SEC. 3. This Act shall take effect from and after the third Monday of May, eighteen hundred and fifty-seven.

CHAPTER CLXVII.

AN ACT

To fix the time for holding the Terms of the District Court of the Twelfth Judicial District in the City and County of San Francisco.

[Approved April 9, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Court, when held.

SECTION 1. The Terms of the District Court of the Twelfth Judicial District, in and for the city and county of San Francisco, shall commence as follows: On the first Monday of January, March, May, July, September, and November in each year.

SEC. 2. So much and such parts of all Acts, and parts of Acts, as conflict with the provisions of this Act, is, and are hereby repealed.

SEC. 3. This Act shall take effect on the first Monday of May, A. D. 1857.

CHAPTER CLXVIII.

AN ACT

To define the Powers and Duties of the Board of Supervisors of the City and County of San Francisco, in certain cases.

[Approved April 10, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the City and County

of San Francisco, shall have power to appoint a committee, consisting of three members of said Board, to be denominated the "Finance Committee," and to fill all vacancies which may happen in said committee by new appointments, from time to time. Said committee, in addition to the ordinary duties of the Finance Committee of said Board, shall have the power as hereinafter specified.

Finance
Committee.

SEC. 2. The Clerk of the Board of Supervisors shall be Clerk of the Finance Committee, after the expiration of six months from the passage of this Act, and during said intermediate period of six months, the said committee shall have power to appoint a Clerk, who, during the time that he shall be actually employed, shall receive a salary of two hundred dollars a month, which amount shall be understood to cover all expense for books, stationery, lights, fuel, and contingencies, which may be necessary for the use of said committee, and shall be paid out of the General Fund, upon demand on the Treasury of said City and County of San Francisco, after being first approved by the committee, and allowed and registered by the Auditor, like other similar demands.

Clerk.

Salary.

SEC. 3. The Clerk of said committee shall keep a record of its proceedings with the names of witnesses examined, and a substantial account of the evidence taken. It shall be the duty of the Sheriff, or any Constable, or Policeman, of said city and county, to execute the lawful process and orders of the said committee. The said committee may visit any of the public offices when, and as often, as they think proper, and make their examinations and investigations therein, without hindrance. In the exercise of its functions, the concurrence of two members of the committee shall be deemed sufficient.

Record of pro-
ceedings, &c.

SEC. 4. It shall be the duty of the committee to proceed forthwith to examine and settle all the accounts and transactions of the Treasurer of said city and county, and to make out and state two distinct accounts, the one embracing his transactions from the first Monday in October, 1855, to the first day of July, 1856, and the other embracing those of the period from the said first day of July to the time of said settlement; and the said committee shall ascertain, determine and state the true balance of said accounts.

Treasurer's
accounts.

SEC. 5. After the settlement of the accounts and transactions of the present Treasurer of said city and county, the said committee shall proceed in like manner to investigate and settle the transactions and accounts of the Treasurers, Auditors, Controllers and Tax Collectors of the city and of the county of San Francisco, who were in office during the two terms next preceding those of the present incumbent, and also of the present Auditor and President of the Board of Supervisors.

SEC. 6. The said Committee shall hereafter, as often as may be required, by order of the Board of Supervisors, investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury, and report thereon to the Board of Supervisors, and for the purpose, shall continue to have and exercise all the powers granted in this Act. But nothing in this Act contained, shall be construed to relieve the Auditor, President of the Board of Supervisors, or other officers, from any of the duties and obligations now imposed on them by law.

Examine accts.

Access to
records, &c.

SEC. 7. The said Committee, and the Clerk, shall have free access to any records, books, and papers in all public offices. And said Committee shall have the same power as courts of record, to administer oaths and affirmations, to examine witnesses, and compel their attendance before them, by subpoena, and attachment for contempt, in case of their refusal to appear or to testify when lawfully required, and shall have the like power to punish as for contempt, any officer, ex-officer, or other person, who shall refuse or neglect, when required, in writing, by said committee, to exhibit any official records, books or papers in his custody, or to explain the same, or any official transaction of his own, or of any other officer, so far as he may be able.

Misdemeanor
discovered re-
port to Super-
visor.

SEC. 8. If, from the examination made by the Finance Committee, in pursuance of the powers granted by this Act, it shall appear that a misdemeanor in office, or a defalcation has been committed by any officer of said city and county, whose accounts and transactions they are authorized to examine as aforesaid, said Committee shall immediately report the same to the President of the Board of Supervisors, who shall immediately cause said report to be published, in at least two daily newspapers, published in the city of San Francisco, for the period of three days.

CHAPTER CLXIX.

AN ACT

To provide for the construction of Canals, and for draining and reclaiming certain Swamp and Overflowed Lands in Tulare Valley.

[Approved April 11, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Parties
designated.

SECTION 1. W. F. Montgomery, Joseph Montgomery, A. J. Downer, F. W. Sampson, and their associates and assigns, are hereby granted the right and privilege to reclaim all of the following described swamp and overflowed lands, belonging to this State, to wit: The swamp and overflowed lands situated and lying between the San Joaquin River, at a point known as the King's River Slough, and Tulare Lake; and, also, the swamp and overflowed lands bordering on Tulare, Buena Vista, and Kern Lakes; and between the said lakes and up to the lines dividing the said swamp and overflowed lands from the lands belonging to the United States; and for the purpose of reclaiming the said lands, the persons above-named and their associates and assigns, are hereby

Lands described

granted the right and privilege to construct and put in operation a canal, from Tulare Lake to the waters of the San Joaquin River, and also a canal from the Tulare Lake to Buena Vista Lake, and also a canal from Buena Vista Lake to Kern Lake; said canals to be of sufficient width and depth to afford a convenient passage for boats of eighty tons burden. The said canals, or some one of them to be commenced within one year, and all of said canals to be completed and put in operation within five years from the passage of this Act, and when completed are hereby declared navigable.

Location of
canals.

Commencement
and completion.

SEC. 2. The persons named in the first section of this Act, and their associates and assigns, are hereby granted for the construction of said canals, the full right of way through any and all lands belonging to this State, and to enable them to put said canals in operation and keep the same in repair without molestation, two hundred feet of any lands belonging to this State, on either side of said canals, is hereby granted to them. *Provided*, The said grantees shall leave open on each side of said canals sufficient space for a public highway, free from expense or charge; and the said canals shall be and remain the property of said grantees, for the purpose of controlling the same and charging and collecting such tolls for passage through and navigating said canals as may be fixed by law, yearly, for the term of twenty years from the passage of this Act, after which time they shall revert to and become the property of the State; and the State hereby reserves the right to cross said canals by ferries or bridges, as the Supervisors of the counties through which said canals may pass shall direct: *Provided*, That such bridges or ferries do not impede the navigation of said canals.

Right of way.

Proviso.

When revert to
State.

Proviso.

SEC. 3. In consideration for the reclamation of the said swamp and overflowed lands, and for the opening and completion of said canals, the one-half of said lands is hereby granted and conveyed to the persons named in the first section of this Act, and their associates and assigns, upon the condition that the said grantees shall reclaim the same within the said term of five years, the said lands to be designated by odd and even sections, according to the plan of survey by the United States, the said grantees after the reclamation of the lands, as aforesaid, to take the odd sections or fractions of the same, and the State to retain the even section or fractions of the same. *Provided*, That if any of the said odd sections or any portion of the same shall have been sold by the State previous to the passage of this Act, then the said grantees shall be entitled to select an equal amount of land out of any land belonging to the State embraced within the limits described in the first section of this Act. *And, provided, further*, That none of the odd sections mentioned in this Act shall be subject to private entry after the passage of this Act.

Lands given to
grantees.

Condition.

Proviso.

SEC. 4. A failure to comply with the provisions of this Act or any part thereof on the part of said grantees, shall work a forfeiture of said grant.

Grant to be
forfeited.

SEC. 5. "Reclamation," as used in this Act, shall be construed to mean that when the lands described in section first are so drained and levied as to make them susceptible of cultivation.

CHAPTER CLXX.

AN ACT

Amendatory of, and supplementary to an Act, entitled "An Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election," passed May 1st, 1854.

This bill having been returned by the Governor, with his objections thereto, and after reconsideration, having passed both Houses by the constitutional majority, it has become a law this, the eleventh day of April, A. D. 1857.

R. M. ANDERSON, President of Senate.

E. T. BEATTY, President of Assembly.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of an Act entitled "An Act to create the office of State Printer, and define the duties and compensation thereof, and to provide for the time and manner of election," passed May 1st, 1854, is hereby amended so as to read as follows:

Laws, &c., how printed.

Section ten. The printing to be performed under this Act, by the State Printer, shall be as follows, viz: The laws, journals, messages, and other documents in book form, shall be printed "solid," with long primer type, on good white paper, each page, except the laws, shall be thirty-three "ems" wide, and fifty-eight "ems" long, including title, blank line under it, and foot line; the laws to be of the same length as the journals, and twenty-nine

Marginal notes.

"ems" wide, exclusive of marginal notes, which notes shall be printed in nonpareil type, and be seven "ems" wide; figure-work,

Rule and figure work.

and rule and figure-work, in messages, reports, and other documents in book form, shall be on pages corresponding in size with the journals, providing it can be brought in by using type not smaller than minion, and whenever such work cannot be brought into pages of the proper size, by using type not smaller than minion, it shall be executed in a form to fold and bind with the volume it

Bills.

is intended to accompany; bills, and other work of a similar character, shall be printed with long primer type, on white plain cap paper, commencing the heading one-fourth of the length of the sheet from its top, and when said printing does not occupy more than two pages of such sheet, or less, the same shall be printed upon half sheets, and the State Printer shall only charge for the same, and in like ratio for a greater amount, and be forty-six "ems" wide, and seventy-three "ems" long, including running-head, blank line under it, and foot line, and between each printed line, there shall be a white line corresponding with the body of the type, and each printed line shall be numbered; blanks shall be printed in such form, and on such paper, and with such sized type, as the officers ordering them may direct. The laws shall be printed without chapter headings, and with no blank lines, with the exception of one head line, one foot line, two lines between the last section of an Act, and the title of the next Act. *Provided*, That when there

Blanks.

No chapter headings or blanks to Laws.

shall not be space enough between the last section of an Act to print the title and enacting clause, and one line of the following Act, upon the same page, such title may be printed upon the following page; the journals shall be printed with no blank lines, with the exception of one head line, one foot line, and two lines between the journal of one day and that of the following day. In printing the "Ayes," and "Noes," the word "Ayes" shall be run in with the names, and the word "Noes" shall be run in with the names.

Journals.

Ayes and Noes.

SEC. 2. Section eleven of said Act, is hereby amended so as to read as follows:

Section eleven. Folding shall not be allowed or charged on any bill or document, unless the same require stitching, and no bill or document not exceeding four pages, shall be stitched; when stitching is required on bills or documents ordered by either House, one sixteenth of one cent per page shall be allowed for such folding and stitching. *Provided*, That no folding or stitching shall be allowed on the laws, or journals; no charge for composition shall be made or allowed on such portions of the appendix to the journals as may have been ordered printed for the use of either House, nor shall more than one charge be made for composition on any document ordered printed by both Houses. *Provided*, The respective orders for printing are made within seven days of each other. The "Ayes" and "Noes" shall be run in; the change of the title page and running head lines from Senate to Assembly file, or *vice versa*, on any document ordered printed by either House, within seven days of each other, shall not be so construed as to allow more than one charge for composition, or any additional charge for such alteration.

Folding and stitching.

Proviso.

No additional charge.

SEC. 3. Section twelve of the Act to which this Act is amendatory and supplementary, is amended so as to read as follows:

Section twelve. For all work executed and material furnished under this Act by the State Printer, he shall be allowed as follows, which allowance shall include all the charges he shall make for the work, well executed and delivered in good order at the Seat of Government, excepting only the cost of paper, as herein provided: For composition in English, per one thousand ems, one dollar and fifty cents; for composition in Spanish, per one thousand ems, two dollars; figure work, per one thousand ems, two dollars; rule work, per one thousand ems, two dollars; rule and figure work, per one thousand ems, two dollars and fifty cents; press work, per token of two hundred and forty sheets, one dollar and twenty-five cents. For all proclamations, advertisements, orders and notices, authorized by Section five of this Act, to be published in the State paper, he shall be allowed one dollar per square of three hundred ems, for composition and the first insertion, and fifty cents for each subsequent insertion not exceeding ten, and twenty-five cents for each insertion exceeding ten. For binding the laws of each session, in full binding, and lettering the same, one dollar and fifty cents per volume. For binding the journals of the Senate and Assembly, in half bindings, leather backs and corners, in junk board, marbled, and lettering the same, one dollar and twenty-five cents per volume. *Provided*, That no charges shall be made or allowed for composition for blank pages, under the provisions of this Act. For all forms and blanks, pro-

Compensation of Printer.

For English.
Spanish.Rule work.
Rule and figure.
Press work.

Advertising.

Binding.

Forms and
Blanks.

perly printed and delivered, the following rates shall be charged and received : For all commissions, not to exceed twenty dollars per thousand ; for all receipts, Controller's orders on the Treasury, franks for books and documents, and foreign miners' licenses, not to exceed five dollars per thousand ; for all other licenses, letter headings, and all other forms and blanks, not otherwise provided for in this section, not to exceed ten dollars per thousand. Whenever, during any session of the Legislature, either House shall, by resolution or otherwise, order copies of its journals printed daily for the use of said House, no charge shall be made or allowed for composition upon or for printing the copies of such journals required to be printed by Section nine of the Act to which this Act is amendatory and supplementary.

Rates of charges

SEC. 4. This Act shall take effect on the first day of May, A. D. (1857,) one thousand eight hundred and fifty-seven.

CHAPTER CLXXI.

AN ACT

Relating to and fixing the Residence of the County Judge of the County of El Dorado.

[Approved April 13, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Time for
removal.

SECTION 1. The County Judge of the County of El Dorado, shall not be required to reside at the county seat of said county prior to the first Monday of April, A. D. 1858.

SEC. 2. From and after the time specified in section one of this Act, the County Judge of said county shall reside at the county seat thereof.

SEC. 3. All laws and parts of laws conflicting with the provisions of this Act are hereby repealed.

CHAPTER CLXXII.

AN ACT

To amend an Act entitled "An Act to Re-incorporate the City of Stockton," passed March thirty-first, eighteen hundred and fifty-seven.

[Approved April 11, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five article two of said Act, is hereby amended so as to read as follows :

Section five. The elections held under this Charter shall be Elections. regulated and conducted in the same manner as the general election for State officers is regulated and conducted, and the Inspector and Judges shall transmit to the City Clerk the returns of Returns. said election, within three days after the same is held, which result shall be within seven days after the election returns are counted by the Mayor of the City and the Clerk, and they shall issue certificates of election to the persons elected. A plurality of all the Plurality vote. votes cast shall be necessary to a choice, and said election shall take place by wards, as is now provided by the city ordinances.

CHAPTER CLXXIII.

AN ACT

Supplementary to an Act entitled "An Act to provide for the Incorporation of Railroad Companies," passed April 22d, 1853, and to the several Acts amendatory thereto.

[Approved April 11, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It is hereby declared lawful for railroad companies, Number to form or railroad corporations, hereafter to be formed by any number of a Company. persons, not less than ten, and for the affairs thereof to be managed by any number of directors, not less than five nor more than thirty. Directors. *Provided, always,* That such corporations, or companies, shall in all other respects conform to, and abide by, the provisions

of the several Acts now in force, relating to railroad corporations, or companies.

CHAPTER CLXXIV.

AN ACT

Relating to the Hospital Affairs of Tuolumne County.

[Approved April 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Repeal.

SECTION 1. "An Act to authorize the Court of Sessions of the County of Tuolumne to levy and collect a Special Tax for the support and maintenance of the Indigent Sick of said County," passed April 13th, 1854, is hereby repealed.

Act how construed.

SEC. 2. Section eight, of "An Act to provide for the Indigent Sick in the Counties of this State," passed April 11th, 1855, shall be so construed as to mean, in the County of Tuolumne, that the moneys arising from the taxes collected under said section eight, or under any other section of said Act, shall be appropriated to the payment of the now outstanding Hospital Warrants, issued by the order of the Board of Supervisors of said Tuolumne County, for the past indebtedness of the County Hospital.

CHAPTER CLXXV.

AN ACT

To authorize Maria Ygnacia, wife of Jarvier Alvisa, and Maria Juana, wife of Jose Rochine, to sell and convey Real Estate.

[Approved April 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Maria Ygnacia, wife of Jarvier Alvisa, and Maria Juana, wife of Jose Rochine, who are both minors, are hereby

authorized and empowered to join with their husbands in the sale, transfer, and conveyance of any real estate belonging to them in the State of California, and to execute and acknowledge and deliver all deeds of conveyance, mortgages, title-bonds, and to do all other things necessary in the premises, as though they had arrived at their full age of majority. Right granted.

CHAPTER CLXXVI.

AN ACT

To amend an Act entitled "An Act defining the Rights of Husband and Wife," passed April seventeenth, eighteen hundred and fifty.

[Approved April 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The twelfth section of said Act is amended so as to read as follows:

Section twelve. In case of the dissolution of the marriage by decree of any court of competent jurisdiction, the common property shall be equally divided between the parties, and the court granting the decree shall make such order for the division of the common property, or the sale and equal distribution of the proceeds thereof, as the nature of the case may require. *Provided,* That when such decree of divorce is rendered on the ground of adultery, or extreme cruelty, the party found guilty thereof, shall only be entitled to such portion of the common property as the court granting the decree may in its discretion, from the facts of the case, deem just, and allow, and such allowance shall be subject to revision on appeal, in all respects including the exercise of discretion by the court below.

Marriage dissolved
 Property.
 Proviso.
CS 2814

CHAPTER CLXXVII.

AN ACT

To Legalize certain Conveyances.

[Approved April 14, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Description of
sales confirmed.Of Deeds legal-
ized.

Not to affect.

SECTION 1. That all sales at auction made *bona fide* by three or more of the Commissioners of the Funded Debt of the city of San Francisco, before the first day of January, A. D. one thousand eight hundred and fifty-four, on which the purchase money has been paid before said last mentioned day, be, and the same are hereby confirmed, and all deeds or conveyances of land within the then corporate limits of the city of San Francisco, signed, sealed and delivered by three or more of the said Commissioners, and recorded in the office of the County Recorder of San Francisco county before the first day of January, A. D. one thousand eight hundred and fifty-four, are hereby legalized, and made as good, effectual and binding as though the same had been legally executed by a full Board of Commissioners, and signed by each member thereof. But nothing contained in this Act shall be held or construed to affect or impair any adverse title or claim acquired prior to the passage of this Act, nor shall this Act be construed to apply to or affect in any manner whatever, any suit, or cause of action now pending in any court in this State.

CHAPTER CLXXVIII.

AN ACT

Concerning Taxes for the Support of Common Schools in the City and County of San Francisco.

[Approved April 16, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

School taxes.

SECTION 1. All persons now or hereafter owing taxes, heretofore or hereafter levied for the support of Common Schools in and for the City or the County of San Francisco, or the City and County of San Francisco, are hereby authorized and required to pay the

same, at any time after the same shall have been levied according to law, to the Treasurer of the said City and County of San Francisco, who shall receive the same whenever offered or tendered at his office, and the same shall be payable either in cash or in legally audited demands, on the School Fund of said City of San Francisco or said City and County of San Francisco. *Provided, however,* That no such audited demands shall be receivable, except for the fiscal year in which such demands become due.

In what payable.

Proviso.

SEC. 2. A list of all taxes levied for the support of Common Schools in said City of San Francisco, and said City and County of San Francisco, remaining due and unpaid, shall be delivered to the Sheriff or Tax Collector of said city and county at the same time when other State and City and County taxes shall become delinquent, and the collection thereof shall be enforced in the same manner and at the same time as may be provided by law for the collection of delinquent taxes levied for State and County purposes.

List of delinquent School taxes.

SECTION 3. The assessment rolls and tax books, whether in the possession of the Sheriff, Tax Collector, or other persons, shall at all times be open to the inspection and examination of the Superintendent of Public Schools or any member of the Board of Education of the said City and County of San Francisco, and it shall be the duty of the Tax Collector, Assessor, Sheriff, or other person having the custody thereof, to make out and deliver to the Board of Education, or to such persons as may desire to pay the same, a correct list, bill or account, of all taxes due and unpaid in said City and County of San Francisco for school purposes, remitting his fees thereon, if any, to be deducted when other taxes are collected.

Tax books, &c.

Duty of officer in charge.

CHAPTER CLXXIX.

AN ACT

Supplemental to "An Act, to authorize the funding of the floating Debt of the City of San Francisco, and to provide for the payment of the same," approved May 1st, 1851.

[Approved April 16, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Commissioners of the funded debt of the city of San Francisco, created by an Act of the Legislature, approved May 1st, 1851, and entitled "An Act to authorize the funding of the floating Debt of the city of San Francisco, and to provide for the payment of the same," are hereby authorized to apply any money in their hands, from whatever source the same may have

Authority given.

been derived, to the payment of interest on the funded debt, in case the present corporation of the city and county of San Francisco, shall fail to make provision for payment of said interest.

CHAPTER CLXXX.

AN ACT

Concerning the County Judges of the Counties of Tehama and Santa Cruz.

[Approved April 16, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Act not applicable.

SECTION 1. The provisions of an Act entitled "An Act concerning County Judges," passed April 4th, 1854, are hereby declared to be inapplicable to the Counties of Tehama and Santa Cruz.

CHAPTER CLXXXI.

AN ACT

Amendatory of and supplementary to "An Act for the Protection of Game," passed May 13th, 1854.

[Approved April 16, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Fines.

SECTION 1. The fourth section of said Act is hereby amended so as to read as follows :

Section four. The fines imposed by this Act shall be paid, one half to the informer and one half into the County Treasury of the County, where such fines may be imposed, and shall be set apart as a School Fund.

Duty of certain officers.

SEC. 2. The said Act is further amended by adding an additional section, so as to read :

Section eight. It shall be the duty of all sheriffs, their deputies, and constables, whenever they become cognizant of any offence against the provisions of this Act, to bring it to the notice of those having competent jurisdiction over all such offences.

CHAPTER CLXXXII.

AN ACT

To authorize certain parties to construct a Wharf in the County of Solano.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Abraham Powell, Jr., and William Likins, together with such other persons as they may choose to associate with them, and their successors or assigns, shall have and enjoy, all the rights and privileges hereinafter set forth. *Provided*, That they and their associates shall incorporate themselves under the general laws of this State, regulating corporations, and shall adopt the name of "The Virginia Street Wharf Company," and shall well and truly fulfil the conditions and provisions of this Act.

Parties designated.

Proviso

Name of Company.

SEC. 2. Said parties, when incorporated, shall have the right to build and construct a wharf, from the high land at the foot of Virginia street, in the town of Vallejo, County of Solano, not exceeding sixty feet in width, and extend the same to ten feet water at low tide in Napa Straits. *Provided*, The total length of said wharf shall not exceed eight hundred and forty-three feet.

Right given.

Place designated

SEC. 3. For the uses and purposes of said wharf, the corporation aforementioned shall have such possession, use and control, for the term of twenty years, of a strip of overflowed land on each side of said wharf, of the width of forty feet, and extending the whole length of the wharf, as will enable them to have full enjoyment of the privileges herein granted. *Provided*, That said strips of land on each side of said wharf, shall be kept open and unobstructed, for the purpose of free ingress and egress to and from said wharf. *Provided further*, That so much of said strips of overflowed land on each side of said wharf, may be used for the erection of projections to said wharf, to be used for the landing of freight and passengers, and for no other purpose: said projections to be located and built in such convenient manner as will least obstruct a free ingress and egress to said wharf and projections.

Term of grant.

Proviso.

Completion.

SEC. 4. Said wharf shall be commenced and completed within

two years from the passage of this Act, and the rates of charge for wharfage and toll thereon, shall be regulated and assessed by the Board of Supervisors of the County of Solano.

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CHAPTER CLXXXIII.

AN ACT

To authorize the Board of Supervisors of Humboldt County to levy a Special Tax for certain purposes, and to provide for the collection of the same.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The Board of Supervisors of the county of Humboldt are authorized, and it is hereby made their duty to levy a special tax upon all the taxable property of the county, of not more than one-half of one per cent., annually, to be collected at the same time and in the same manner as other taxes upon property in said county are collected.

How used.

SEC. 2. The taxes provided for in the first section of this Act shall be set apart as a special fund, to be known as the Jail Fund of said county, and shall be used by the said Board of Supervisors for defraying the expenses incurred in building a jail in said county, and for furnishing and repairing the public buildings of said county and for no other purpose.

CHAPTER CLXXXIV.

AN ACT

To repeal an Act entitled "An Act to authorize the Judges of the Supreme Court to employ a Secretary," approved April thirtieth, eighteen hundred and fifty-five.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary," approved April thirtieth, eighteen hundred and fifty-five," is hereby repealed.

CHAPTER CLXXXV.

AN ACT

To authorize the Board of Supervisors of the County of Alameda, to levy a special Tax.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of Alameda, Tax levied. are hereby authorized to levy and cause to be collected, in the same manner and at the same time as other State and County taxes, a "Special Tax" of one quarter of one per cent. on every one hundred dollars of valuation of the assessed taxable property of the county, for the year one thousand eight hundred and fifty-seven.

SEC. 2. Said tax, when collected, shall constitute a Special Purpose of Fund, to defray the costs of the construction of a Court-house and Jail, in said county.

CHAPTER CLXXXVI.

AN ACT

To provide for the Publication of the General Laws of this State, in force at the expiration of the Eighth Session of the Legislature.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Conditions.	SECTION 1. That if W. H. R. Wood shall add to his present manuscript compilation of the laws of this State, all laws of a general nature passed at the Eighth Session of the Legislature, and shall expunge therefrom all laws repealed at said session, and shall then cause said compilation to be printed and bound in a workman-like manner, equal to the now existing compilation of the laws of this State, then the Secretary of State shall receive from said
No. of copies.	Wood five hundred copies of his said compiled laws, and upon the production before the Board of Examiners and the Controller, of the Secretary of State's receipt for said five hundred copies, the Board of Examiners shall audit for and allow to the said Wood,
Compensation.	the sum of five thousand dollars, which sum the Controller shall draw his warrant on the Treasurer.
Sum set apart.	SEC. 2. The sum of five thousand dollars is hereby set apart, and appropriated out of any monies in the General Fund not otherwise appropriated for the purpose of paying the warrant or warrants drawn by the Controller under the provisions of this Act.
Time limited.	SEC. 3. Within six months from the adjournment of the present session of the Legislature, said Wood shall complete and publish his compilation of the laws as contemplated by this Act, and shall present the same to the Board of Examiners created by an Act entitled "An Act to provide for the better protection of the State Treasury," approved April 16, 1856, which said Board shall examine the same and require their approval and certificate that such compilation of the laws is in accordance with the requirements of this Act, and contains all the general laws in force, then the Controller of State shall issue his warrant or warrants, as is provided for in section first, but the Controller shall not issue such warrants until there is money in the Treasury for the payment of the same.
Board of Examiners.	<i>Provided,</i> That before said Board of Examiners shall give their approval said Wood shall present the certificate of the Secretary of State, that the laws contained in his compilation are true copies of the original laws on file in his office.
Controller issue warrant.	SEC. 4. Said compilation, when published as herein provided, shall be received as evidence of the law in all the courts of justice in this State.
Proviso.	
Compilation received as evidence.	

CHAPTER CLXXXVII.

AN ACT

Fixing the time of holding the Courts of Sessions, County Courts, and Probate Courts, in the Counties of Siskiyou and Colusi.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Court of Sessions, County Courts, and Probate Court, in the county of Siskiyou, shall commence and be held in the town of Yreka, at the same time, to wit: On the first Mondays in January and April, on the third Monday in July, and on the first Monday in October, and the Court of Sessions, County Court, and Probate Court, in the County of Colusi, shall be held at the same time, as follows: On the first Mondays of January, March, May, July, September, and November, of each year. Courts held all at same time.

SEC. 2. At said times, the business pertaining to the Court of Sessions, shall first be disposed of, and after that, the business of the County Court, and that of the Probate Court, in the order in which said Courts are named. This order shall be observed as a rule of precedence only, and after the business of one Court is disposed of, the business of the other Courts may be taken up on the same day. Order of business.

SEC. 3. The records of each of said courts shall be kept separately, as required by law. Separate records

SEC. 4. The County Judges of said counties, may call and hold special terms of the Court of Sessions, County Court, and Probate Court, whenever the public interest may require. Special terms.

SEC. 5. "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed May nineteenth, eighteen hundred and fifty-three, so far as the same relates to the counties of Siskiyou and Colusi, inconsistent with the provisions of this Act, are hereby repealed. Repeal of Acts in conflict.

CHAPTER CLXXXVIII.

AN ACT

Supplementary to an Act entitled "An Act to apportion the Senatorial and Assembly Districts of this State," passed May 18th, 1853.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

One Assembly-
man from San
Mateo.

SECTION 1. Hereafter, one of the nine members of Assembly allowed by the Act entitled "An Act to apportion the Senatorial and Assembly Districts of this State," passed May eighteenth, eighteen hundred and fifty-three, to the County of San Francisco, shall be elected from the County of San Mateo, by the qualified electors thereof, and eight of said nine members shall be elected from the City and County of San Francisco. The County of San Mateo shall be and remain a part of the Fifth Senatorial District.

Eight from San
Francisco.

CHAPTER CLXXXIX.

AN ACT

Supplementary to "An Act to amend an Act relating to Corporations," passed May 18th, 1853.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Rights and
privileges
extended to
German Society.

SECTION 1. All the rights, privileges, and immunities granted by an Act entitled "An Act to amend an Act relating to Corporations," passed May 18, 1853, are hereby extended to and conferred upon the German General Benevolent Society of San Francisco, after said Society shall have assumed corporate powers.

CHAPTER CX C.

AN ACT

Amendatory of and supplementary to an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April 19th, 1856.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April 19th, 1856, is hereby amended so as to read as follows :

Section one. The corporation, or body politic and corporate, now Corporation existing and known as the City of San Francisco, shall remain and continue to be a body politic and corporate, in name and in fact, by the name of the City and County of San Francisco, and by that Name. name shall have perpetual succession, may sue and defend, in all Courts and places, and in all matters and proceedings whatever, and may have and may use a common seal, and the same may alter Powers at pleasure, and may purchase, receive, hold and enjoy real and personal property, and sell, convey, mortgage and dispose of the same for the common benefit. The boundaries of the city and Boundaries. county of San Francisco shall be as follows : beginning in the Pacific Ocean, three miles from shore, and on the line (extended) of the United States Survey, separating townships two and three, South, (Mount Diablo meridian,) and thence running northerly and parallel with the shore so as to be three miles therefrom opposite Seal Rock ; thence in the same general direction to a point three miles from shore, and on the northerly side of the entrance to the Bay of San Francisco ; thence to low water mark on the northerly side of the said entrance, at a point opposite Fort Point ; thence following said low water mark, to a point due northwest of Golden Rock ; thence due southeast, to a point within three miles of the natural high water mark on the eastern shore of the Bay of San Francisco ; thence in a southerly direction, to a point three miles from said eastern shore, and on the line first named, (considered as extending across said Bay ;) and thence along said first named line, to the place of beginning. The islands in said Bay, Islands known as the Acatraces and Yerba Buena, and the islands in said ocean, known as the Farallones, shall be attached to and form a part of said city and county. *Provided, however,* That all rights and liabilities of the corporation heretofore and now known as the City of San Francisco, shall survive to, and continue against, the corporations continued by this Act. The district or districts of

Districts
extended.

said city and county, bordering upon the southern line thereof, as heretofore established, shall be extended to the southern line of said city and county, as established in this Act.

SEC. 2. Section six of said Act is hereby amended so as to read as follows:

Election.

Section six. There shall be elected, hereafter, for the said city and county of San Francisco, by the qualified electors thereof, at the time and in the mode prescribed by law for the election of State and county officers, a County Judge, who shall hold his office four years, one President of the Board of Supervisors, a County Clerk,

County Judge.

Other officers.

Police Judge, Chief of Police, Sheriff, Recorder, Coroner, Treasurer, Auditor, Tax Collector, Assessor, Surveyor, Superintendent of Common Schools, Superintendent of Public Streets and Highways, District Attorney, and one Harbor Master, who shall respectively continue in office for two years and until their successors shall be elected and qualified; and in and for each of said districts, by the

Supervisors and
School Directors

Inspectors and
Judges of
Elections.

qualified electors thereof, one Supervisor, and one School Director, who shall continue in office two years and until their successors are elected and qualified; also one Inspector and two Judges of Elections, who shall hold their offices for one year, and until their successors are elected and qualified; and in all elections for Inspectors and Judges of Elections, each qualified voter shall vote for one Inspector and one Judge of Elections only, and that the person having the highest number of votes for Inspector, shall be declared elected Inspector, and the two having the highest number of votes for judges shall be the judges of elections for the respective districts.

Justices of the
Peace and
Constables.

Townships,
Number of

Jurisdiction of
Justices.

Proviso.

There shall also be elected at the general election next preceding the expiration of the terms of the present justices for the said city and county, six justices of the peace and six constables. For that purpose the Board of Supervisors shall lay off the city and county into six townships, in such manner as not to divide any district in the formation of such township, in each of which townships there shall be elected by the qualified electors thereof, one justice of the peace and one constable, to continue in office two years and until their successors are elected and qualified. The justices of the peace so elected shall have jurisdiction co-extensive with the city and county, but shall hold their courts within the townships for which they were chosen respectively. *Provided*, That at the next general election a constable shall be elected for each of said districts, according to the original provisions of the section hereby amended.

SEC. 3. Section tenth of said Act is hereby amended so as to read as follows:

Compensation of
certain officers.

Section Ten. The Sheriff, County Clerk, Recorder, Surveyor, Justices of the Peace and Constables, shall continue to receive for their official services (except from the city and county) such fees and compensation as are now or may hereafter be allowed by law. In addition to such fees and compensation to be collected from private parties or by way of costs on judgments against individuals in civil and criminal cases, there shall be allowed to said officers payable out of the Treasury, in lieu of all fees or other charges for official services, which would otherwise be a city or county charge, the following fixed salaries:

To the Sheriff, three thousand dollars per annum. To the

County Clerk, six hundred dollars per annum. To the County Recorder, fifty dollars per annum. To the City and County Surveyor, one thousand dollars per annum. The compensation to be

Salaries of
certain officers.

allowed to the Assessor and his deputies, while actually engaged in making the annual assessment as required by law, shall be fixed by the Board of Supervisors at a rate not exceeding ten dollars per day for the Assessor, and five dollars a day for each of his deputies. *Provided*, That the whole amount allowed to the Assessor

Proviso.

and his deputies shall not in any one year exceed five thousand dollars, and that not more than half of the daily compensation fixed for the Assessor and his deputies shall be audited or allowed until the annual assessments shall have been made and completed according to law. *And, provided further*, That in addition to the compensation aforesaid, the Assessor shall be allowed such commissions for the collection of poll taxes as are now, or may hereafter be allowed by law to other County Assessors, and the annual assessment for the City and County of San Francisco may be commenced on the first Monday of February, and shall be required to be completed on or before the first Monday in June, in each year, at and after which time until the first day of July the Board of Supervisors shall meet as often as necessary as a Board of Equalization, to hear and determine all complaints respecting the valuation of property, both real and personal, made subsequent to the preceding first Monday in February, or the period fixed by law for beginning the annual assessment. *Provided*, That for the present year the Assessor shall be allowed till the first Monday of July for the completion of the assessment, after which time until the first day of August, the Board of Supervisors shall meet and act as a Board of Equalization, in all respects and for all the purposes as above provided.

Assessment.

at and after which time until the first day of July the Board of Supervisors shall meet as often as necessary as a Board of Equalization, to hear and determine all complaints respecting the valuation of property, both real and personal, made subsequent to the preceding first Monday in February, or the period fixed by law for beginning the annual assessment. *Provided*, That for the present year the Assessor shall be allowed till the first Monday of July for the completion of the assessment, after which time until the first day of August, the Board of Supervisors shall meet and act as a Board of Equalization, in all respects and for all the purposes as above provided.

Board of
Equalization

at and after which time until the first day of July the Board of Supervisors shall meet as often as necessary as a Board of Equalization, to hear and determine all complaints respecting the valuation of property, both real and personal, made subsequent to the preceding first Monday in February, or the period fixed by law for beginning the annual assessment. *Provided*, That for the present year the Assessor shall be allowed till the first Monday of July for the completion of the assessment, after which time until the first day of August, the Board of Supervisors shall meet and act as a Board of Equalization, in all respects and for all the purposes as above provided.

Proviso.

at and after which time until the first day of July the Board of Supervisors shall meet as often as necessary as a Board of Equalization, to hear and determine all complaints respecting the valuation of property, both real and personal, made subsequent to the preceding first Monday in February, or the period fixed by law for beginning the annual assessment. *Provided*, That for the present year the Assessor shall be allowed till the first Monday of July for the completion of the assessment, after which time until the first day of August, the Board of Supervisors shall meet and act as a Board of Equalization, in all respects and for all the purposes as above provided.

SEC. 4. Section eleven of said Act is hereby amended so as to read as follows:

Section eleven. The following salaries shall be allowed and paid out of the treasury to the officers named:

Salaries.

To the President of the Board of Supervisors, three thousand dollars per annum.

To the present County Judge, the salary now fixed by law. To the successors of the present County Judge, five thousand dollars per annum.

To the Auditor, Police Judge, Chief of Police, District Attorney, City and County Attorney, Superintendent of Public Streets and Highways, and Superintendent of Common Schools, four thousand dollars, each, per annum.

To the present Chief Engineer of the Fire Department, the amount now allowed by law. To his successors, four thousand dollars per annum.

To the Secretary of the Board of Delegates of the Fire Department, who shall also discharge the duties of Clerk of the Chief Engineer and Fire Warden, fifteen hundred dollars per annum.

To each of the Bell Ringers of the City Hall bell, not exceeding three, twelve hundred dollars per annum.

To two City and County Interpreters and Translators of Foreign Languages, to be appointed by the County Judge, Police Judge, and President of the Board of Supervisors, if they deem them

Salaries.

necessary, twelve hundred dollars per annum, each; subject, however, to be reduced by an order of the Board of Supervisors, if they deem such reduction proper.

To the Coroner, four thousand five hundred dollars per annum, which shall be in full compensation for his official services, medical or surgical assistance, and expense of burials which otherwise would be a county charge.

To the Associate Justices of the Court of Sessions, six hundred dollars per annum, each.

To the Treasurer of the City and County, four thousand dollars per annum, besides such fees and commissions as are by law a State charge, or allowable out of the funds in his custody, belonging exclusively to the State Treasury; and to one Deputy of said Treasurer, two thousand dollars per annum.

To the necessary number of Jail Keepers, not exceeding four, to be appointed by the Sheriff, a sum not exceeding fifteen hundred dollars per annum, each, to be paid out of the General Fund, the number and sum within the limits aforesaid, to be determined by the Board of Supervisors.

To the Clerk of the Board of Supervisors, twelve hundred dollars per annum, and the Clerk of the Police Court, twelve hundred dollars per annum.

To the Clerk of the Board of Supervisors in addition to his salary, the compensation allowed by law to the Clerk of the Board of Equalization for official services relating to the collection of poll taxes. He shall also be entitled to receive from the parties at whose instance the service may be performed, (the city and county excepted,) twenty-five cents for administering an oath, twenty-five cents per folio of one hundred words for writing out affidavits, and sixteen cents per folio for certified copies of any records, papers, or documents in his custody.

The Clerk of the Police Court, in addition to his salary, shall, on rendering his account to the Auditor, be allowed each month, to retain out of costs legally taxed as clerk's fees, and collected from the defendants, in cases tried in the Police Courts, an amount not exceeding fifty dollars per month.

Fees of District Attorney.

The District Attorneys' fees, taxed as costs in criminal cases, against the defendant, shall be collected and paid into the treasury as a special fund, out of which, and from no other source, the Board of Supervisors may provide for payment of the compensation, (not exceeding twenty-five hundred dollars per annum,) of a Prosecuting Attorney for the Police Court, to be by them appointed during pleasure; the District Attorney, however, not being relieved from the obligation to attend personally in said court, whenever business of importance shall require his assistance. Any surplus arising from said fund, at the end of each year, to be paid into the general fund.

Officers receive no compensation.

No compensation shall be allowed to Supervisors or School Directors, and no fees or compensation, to be paid out of the city and county treasury, other than those expressly allowed in this Act, shall be allowed or received by any officer of said city and county, or of any district; nor shall any allowance or provision be made for them, or any of them, at the public expense, beyond the fixed compensation aforesaid, under the name of office rent, fuel lights,

No other fees.

stationery, contingencies, or otherwise, except that the necessary and proper books, stationery, and official blanks, may, at the discretion of the Board of Supervisors, be purchased and supplied for the Police Court, Court of Sessions, Grand Juries, and officers of the County, Clerk, County Recorder, Auditor, Treasurer, Assessor, Superintendent of Streets and Highways, and the Board of Supervisors, the expense whereof, when the amount in each particular case shall have been previously authorized and fixed by the Board of Supervisors, may be paid out of the general fund, upon demands upon the treasury, duly audited as provided in this Act. *Provided*, That the total amount of expenditures for all of the aforesaid books, stationery, and official blanks, shall not exceed the sum of twenty-five hundred dollars in any one year.

Articles allowed.

Expense

Proviso.

SEC. 5. Section nineteen is hereby amended so as to read as follows:

Section nineteen. The Police Judge throughout the city and county shall have the same powers and jurisdiction, in all cases, as are, or hereafter may be, conferred by law upon Recorders' Courts, and in all criminal cases, in addition thereto, the powers and jurisdiction of a Justice of the Peace; also, jurisdiction of every offense or act, which, by common law is declared to be a misdemeanor, (and for which no punishment is especially prescribed by law,) with power to punish by imprisonment in the county jail or city prison, not exceeding six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment; and he shall also have jurisdiction to try and punish all offences committed against the rules and regulations established by the Board of Supervisors, in pursuance of the authority granted in this Act, except where it is otherwise provided, and may commit, or hold the offender to bail for trial in the proper court, or may try, condemn, or acquit, and carry his judgment into execution, as the case may require, according to law; and shall have power to issue warrants of arrest, subpoenas, and all other process necessary to the full and proper exercise of his powers and jurisdiction.

Police Judge.

All fines imposed by the Police Judge, not exceeding twenty dollars, exclusive of costs, shall be final and without appeal; his court shall be a Court of Record; a Clerk shall be appointed therefor by the Board of Supervisors, with a salary of twelve hundred dollars a year, who shall give bond as required by law, and hold his office during the pleasure of the said Board.

Fines imposed.

Salary of Clerk
Court of Record.

SEC. 6. Section sixty-seven of said Act is hereby amended so as to read as follows:

Section sixty-seven. The Supervisors shall meet within five days after each annual election, and also on the first Monday of January, April, July and October, of each year, and at such other times as specially required by law; or they may, for urgent reasons, be specially convoked by the President of the Board of Supervisors. A majority of all the Supervisors to be elected in the several districts shall constitute a quorum to do business, and no regulation, resolution, ordinance, or order of the Board, can pass without the concurrence of a majority of all the members elected, but a smaller number may adjourn from day to day. All the sessions, acts and resolutions of the Board shall be public. The President of the Board of Supervisors elected by the city and county

Supervisors,
time of meeting.

Quorum.

Sessions, &c.,
public.

at large, shall preside at all the sessions of the Board, without the right to vote. In his absence, during any session, the Board shall appoint a President *pro tempore*, who shall, however, have the same vote as other members. The Board of Supervisors shall be the judge of the election returns, and qualifications of its own members, and shall order and provide for holding elections in the proper districts, to fill vacancies which may happen or exist more than six months previous to the next general election; at which general election such office shall be filled by election for the full term of two years. The Board of Supervisors shall determine the rules of its proceedings, keep a record of its acts and resolutions, and allow the same to be published; and the yeas and nays on any question shall, at the request of any member, be entered on its journals. The Board of Supervisors shall appoint a clerk, with a salary of twelve hundred dollars a year, to hold office during the pleasure of the Board, who shall be *ex-officio* Clerk of the Board of Equalization, without any additional salary as such, except as provided in Section eleven, and shall be required to take the constitutional oath of office, and give bond for the faithful discharge of the duties of his office. He shall have power to administer such oaths and affirmations as may be required by law, or the regulations, or the orders of the Board, relating to any demands upon the Treasury, or other business connected with the government of the city and county; and shall also have power to certify and authenticate copies of all records, papers and documents in his official custody. The powers of the Board of Supervisors are those granted in this Act, and they are prohibited to exercise any others.

SEC. 7. Section seventy-four of said Act is hereby amended so as to read as follows:

Section seventy-four. The Board of Supervisors shall further have power by regulation or order:

First. To regulate the police and police force of said city and county.

Second. To provide for the security, custody and administration of all property of said city and county, without any power to sell or encumber the same, or to lease any part thereof for more than three years, except, however, that such personal property belonging to the fire, street, or other departments, as they may deem unsuited to the uses and purposes for which the same was designed, or so much worn and dilapidated as not to be worth repairing, may be sold or exchanged by order or resolution. The said Board shall also have power, at their discretion, to appoint a City and County Attorney, learned in the law, and to prescribe and regulate his duties and obligations.

Third. To provide by regulation for the prevention and summary removal of all nuisances to public health, the prevention of contagious diseases, the prevention and summary removal of all nuisances and obstructions in the public streets and highways.

Fourth. To provide in cases omitted in this Act, and in conformity with the principles adopted in it for opening, altering, extending, grading, plank-ing, paving, or re-paving, or otherwise improving of public streets and highways at the expense of the property benefited thereby, without any recourse in any event upon the city and county, or the public treasury, for any portion of the

Powers and
duties.

X

Clerk's salary.

X

Supervisors'
further powers.

In regard to
Police.

City Property.

City Attorney.

Nuisances.

Streets.

expense of such works, or any delinquency of the property owners or holders.

Fifth. Providing for lighting and cleaning the streets.

Sixth. To regulate market houses and market-places.

Markets.

Seventh. To provide for the erection, repair and regulation of wharves and docks, and fixing the rates of wharfage thereat.

Wharves and Docks.

Eighth. To provide for enclosing, improving and regulating all public grounds of the city and county.

Public grounds.

Ninth. To prohibit the erection of wooden buildings or structures within any fixed limits where the streets shall have been established and graded, or ordered to be graded; to regulate the sale, storage and use of gunpowder or other explosive or combustible materials and substances, and make all needful regulations for protection against fire.

Wooden buildings.

Gunpowder, &c.

Tenth. To make such regulations concerning the erection and use of buildings as may be necessary for the safety of the inhabitants.

Erection of buildings.

Eleventh. To determine the fines, forfeitures and penalties that shall be incurred for the breach of the regulations established by said Board of Supervisors, and also for a violation of the provisions of this Act where no penalty is affixed thereto or provided by law; but no penalty to be imposed shall exceed the amount or value of one thousand dollars, or six months' imprisonment, or both; and all actions for the recovery of such fines, or the enforcement of such penalties, may be prosecuted before the Police Judge in the name of the said city and county of San Francisco.

Fines, penalties, &c.

Twelfth. To regulate and provide for the employment of prisoners sentenced to the public work of said city and county, and if deemed necessary and expedient, to let out the labor of such prisoners, by contract, to the highest bidder.

Employment of prisoners.

Thirteenth. To license and regulate hackney coaches, carriages, and other public vehicles, and to fix the rates to be charged for the transportation of persons, baggage, and property therein, and also to license and regulate porters employed in conveying baggage for persons arriving in, and departing from, said city and county, and to prohibit the exercise of those employments without such license.

License vehicles

Porters.

Fourteenth. To license and regulate all such callings, trades, and employments, as the public good may require to be licensed and regulated, and as are not prohibited by law. And all licenses granted in pursuance of the provisions of this Act, or the powers therein delegated, shall be signed and issued by the Auditor of said city and county, on production to him of the Treasurer's receipt for the sum required to be paid therefor, which receipt shall also be entered and countersigned by the Auditor, as in case of all other receipts for money paid into the treasury.

License trades.

Fifteenth. To prohibit and suppress all houses of ill-fame and prostitution, and all occupations, houses, places, amusements, and exhibitions which are against good morals, and contrary to public order and decency.

To prohibit certain houses and occupations.

Sixteenth. To provide for the erection of a work-house, house of refuge, or house of correction, and for the regulation and government of the same.

Seventeenth. To direct and control the Fire Department of said city and county, in conformity with the laws.

Fire Department

Fees of Surveyor.

Eighteenth. To fix the fees and charges to be made by the Surveyor of said city and county for certificates of surveys for buildings or other purposes, on the public streets.

Nineteenth. To provide by regulation, where it may be necessary, for carrying the provisions of this Act into effect.

Care of sick.

Twentieth. To provide for the care and maintenance of the indigent sick of said city and county, but not to incur any expense therefor exceeding the sum of two thousand eight hundred dollars a month.

Twenty-first. To provide for the construction and repair of hydrants, fire-plugs, cisterns and pumps in the streets, for the public security and convenience.

City and County buildings.

Twenty-second. To provide for the erection of all buildings necessary and proper for the use of the city and county, upon lands belonging thereto, but without the power to purchase either lands, lots or buildings.

Twenty-third. To provide ways and means for the prosecution of the claims, in the name of the City of San Francisco, to the pueblo lands now pending for the same.

Sec. 8. Section eighty-one of said Act is hereby amended so as to read as follows:

Demands on Treasury received for taxes.

Section eighty-one. The following demands against the Treasury shall be received for taxes at one per cent. above their par value:

Teachers' salaries.

First. Audited bills of the current fiscal year for salaries or wages of teachers in common schools shall be receivable for school-taxes, after having been presented for payment and registered by the Treasurer as provided in section eighty-eight.

Coupons.

Second. Coupons due, or to become due during the current fiscal year, issued by the Commissioners of the Funded Debt, for the payment of the interest upon the certificates known as the "San Francisco City Stock," under the provisions of the Act entitled "An Act to authorize the funding the floating debt of the city of San Francisco, and to provide for the payment of the same," passed May first, eighteen hundred and fifty-one; and all coupons so received must every week be handed over to said Commissioners to be cancelled, and the receipt of said Commissioners taken therefor by the Treasurer; the coupons due and to become due during the current fiscal year, issued for interest by the Board of Fund Commissioners in pursuance of the Act entitled "An Act to provide for the funding of the legal and equitable debt of the city of San Francisco, and for the final redemption of the same," passed May seventh, eighteen hundred and fifty-five.

Third. Coupons due or to become due during the current fiscal year, issued for interest by the Commissioners for the funding of the floating debt of the county of San Francisco, in pursuance of the Act entitled "An Act to fund the floating debt of the county of San Francisco," passed May fourth, eighteen hundred and fifty-two.

Fourth. All lawful demands on the Treasury, except those payable out of the School Fund and Surplus Fund, after having been duly audited and presented to the Treasurer and registered as provided in section eighty-eight, shall be a legal tender for the whole amount of all taxes and other dues belonging to and receivable into the City and County Treasury, State taxes and dues to the State

Treasury only excepted. If the Treasurer shall refuse to receive such audited demands or coupons when tendered for taxes or other dues to the Treasury as aforesaid, or shall neglect to cancel such audited demands on the day when so received or otherwise paid into the Treasury, or shall neglect to deliver over such coupons received by him, to the Fund Commissioners as above required, he shall be deemed guilty of a misdemeanor in office, and for every offense shall, on conviction thereof, be adjudged to pay a fine equal to the amount of the audited demands and coupons so tendered and refused, or so received or paid and neglected to be cancelled, or to be delivered over to the Commissioners as aforesaid. Every receipt of the Treasurer shall specify in what funds the payment was made; whether in cash, audited demands or coupons, and the amount of each; and his receipt for State dues shall in the same manner specify how payment was made; otherwise, he shall be liable to account for the amount thereof in cash only.

Refusal of Treasurer.

Misdemeanor and penalty.

Treasurer's receipts to specify.

Sec. 9. Section eighty-five of said Act is hereby amended so as to read as follows :

Section eighty-five. The demand of the Auditor for his monthly salary shall be audited and allowed by the President of the Board of Supervisors. All other monthly demands on account of salaries fixed by law, and made payable out of the Treasury of said city and county, may be allowed by the Auditor without any previous approval. All demands payable out of the School Fund must, before they can be allowed by the Auditor or paid, be previously approved by the Board of Education, or by the President thereof, and Superintendent of Common Schools, acting under the express authorization of said Board. Demands for teachers' wages or other expenses appertaining to any school, cannot be approved, allowed or audited, to an amount exceeding the share of school money which such school will be entitled to have apportioned to it during the current fiscal year. Demands for monthly pay of police captains and officers, must, before they can be allowed by the Auditor or paid, first be approved by the Police Judge and Chief of Police, or if they refuse or cannot agree, then by the Board of Supervisors. All other lawful demands payable out of the Treasury, or any public funds of said city and county, and not hereinbefore in this section specified, must, before they can be allowed by the Auditor, or in any manner be recognized or paid, be first approved by the Board of Supervisors ; or if the demand be under two hundred dollars, by the President and two members thereof, appointed by the Board for that purpose, with power to act under and subject to its instructions and regulations during recess of the said Board. The Auditor must number and keep a record of all demands on the Treasury allowed by him, showing the number, date, amount and name of the original and present holder ; on what account allowed, out of what fund payable, and if previously approved, by what officer, officers or board it has been so approved ; and it shall be deemed a misdemeanor in office for the Auditor to deliver any demand with his allowance thereon until this requisite shall have been complied with.

Auditor's salary

Other salaries.

Demands on School Fund

Teachers' wages and for Schools.

Pay of Police officers.

Other demands.

Auditor to keep record.

Misdemeanor.

Sec. 10. Section eighty-six of said Act is hereby amended so as to read as follows :

Section eighty-six. The President of the Board of Supervisors,

Officers having authority to administer oaths.

Auditor, Chief of Police, President of the Board of Education, and each Supervisor, shall have power to administer oaths and affirmations concerning any demand on the Treasury, or otherwise relating to their official duties. Every officer who shall approve, allow, or pay any demand on the Treasury not authorized by this Act, shall be liable to the city and county individually and on his official bond for the amount of the demand so illegally approved, allowed, or paid. Every citizen shall have the right to inspect the books of the Auditor, Treasurer, and Clerk of the Board of Supervisors, at any time during business hours. Copies or extracts from said books, duly certified, shall be given by the officer having the same in his custody to any citizen demanding the same, and paying or tendering sixteen cents per folio of one hundred words for such copies or extracts.

Citizens' right to inspect books.

SEC. 11. Section ninety-five of said Act is hereby amended so as to read as follows:

Payments out of Police Fund.

Section ninety-five. Payments of demands on the treasury of said city and county, may be made for the following objects, and none others:

First. Out of the Police Fund, the fixed salaries of Police Captains and officers, Chief of Police, Police Judge, and Clerk of the Police Court.

School Fund.

Second. Out of the School Fund, the salaries or wages of Teachers in the common schools, rents, repairs, building and furnishing of school houses, as provided by law.

General Fund,

Third. Out of the General Fund, the fixed salaries or compensation of the Assessor and his Deputies, the salaries fixed by law of the Judge of the Superior Court, and other officers of said city and county, and of officers of the Fire Department, and the legal fees of Jurors and witnesses in criminal cases, when the same by law are payable out of the County Treasury.

Fourth. Out of the General Fund, coupons for interest due upon the "San Francisco City Stock," duly issued in pursuance of the Act entitled "An Act to authorize the funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," passed May first, eighteen hundred and fifty-one.

Fifth. Out of the General Fund, coupons for interest due on the bonds duly issued by the Board of Fund Commissioners, in pursuance of the provisions of the Act entitled "An Act to provide for the funding of the Legal and Equitable Debt of the City of San Francisco, and for final redemption of the same," passed May seventh, eighteen hundred and fifty-five.

Sixth. Out of the General Fund, coupons for interest due on bonds duly issued by the Commissioners for Funding the Floating Debt of the County of San Francisco, in pursuance of an Act entitled "An Act to fund the Floating Debt of the County of San Francisco," passed May fourth, eighteen hundred and fifty-two.

Seventh. Out of the General Fund, coupons for interest due upon the bonds known as the "Fire Bonds," issued to the amount of "two hundred thousand dollars," by the corporate authorities of the City of San Francisco, and bearing date December first, eighteen hundred and fifty-four.

Eighth. Out of the General Fund the certificates of stock and

bonds, after maturity, which have been duly issued, referred to in the four next preceding subdivisions of this section.

Ninth. Out of the School Fund, coupons for interest due on the bonds known as the "School Bonds," dated May fourth, eighteen hundred and fifty-four, and amounting in the aggregate to the sum of sixty thousand dollars, issued by the corporate authority of the City of San Francisco, together with the sum of five thousand dollars, annually, as a Sinking Fund, for the redemption of said bonds, and the sum or sums due on each and every of the said bonds at maturity, and also the amount necessary to discharge legal incumbrances now existing on school houses and school-house lots.

Out of School Fund.

Tenth. Out of the General Fund, the sum of fifty thousand dollars, annually, for the redemption of the certificates of stock, mentioned in the fourth subdivision of this section, when the same shall be offered for redemption at the treasury, and after first applying to that use the money now belonging to said "Sinking Fund," remaining in the hands of the Fund Commissioners. Also, the sum of sixteen thousand six hundred and sixty-seven dollars, annually, for the redemption of said "Fire Bonds," mentioned in the seventh subdivision of this section, when the same shall be offered at the City and County Treasury for redemption, and after first applying to that use the money now belonging to this "Sinking Fund."

General Fund.

Eleventh. Out of the Police Fund, bills for the subsisting of prisoners previously authorized by the Board of Supervisors, as in this Act provided, and duly audited, which bills must minutely specify each several item composing the demand.

Police Fund.

Twelfth. Out of the General Fund, the amount due upon the mortgage upon the City Hall shall be paid off immediately, and in preference to any other demand whatsoever, not previously registered by the Treasurer under this Act.

General Fund.

Thirteenth. Out of the General Fund, bills duly audited for expenditures in the care and maintenance of the indigent sick of the city and county, previously authorized by the Board of Supervisors, and not exceeding the amount in this Act, limited for that purpose.

Fourteenth. Out of the General Fund, expenditures not exceeding the total amount of thirty thousand dollars, including salaries, during any one fiscal year, previously authorized by the Board of Supervisors, for the maintenance of the Fire Department, the construction and repairs of cisterns and other necessary works, for the extinguishment of fires; also, the expense legally incurred for books, stationery, and official blanks, as authorized by section eleven of this Act, and the necessary expense of constructing a fire-proof vault, to be prepared for the Treasurers' office, as required by section seventy-nine of this Act; also, expenditures, not exceeding one thousand dollars, during any one month, for objects of urgent necessity, other than those heretofore specified in this section, when the amount thereof in each particular case shall have been previously authorized and fixed by the Board of Supervisors, in the lawful exercise of their powers.

Fifteenth. Out of the Surplus Fund, expenditures previously authorized by the Board of Supervisors, in the lawful exercise of their powers, for objects other than those specified in the preceding

Surplus Fund.

Circumstances
under which ap-
propriations can
be made, not
herein specified.

Contracts, when
void.

Parties liable.

Dec 2
cc 210
this act -
Terms of office
not affected.

Authority to
approve and
allow certain
demands.

Demands
specified.

Proviso.

fourteen subdivisions of this section, may be paid out of the Surplus Fund, as specified in sections ninety-seven and ninety-eight, but not otherwise. At the end of each fiscal year, and after every lawful demand on the Treasury then due and payable, or to accrue for that year, shall have been actually paid, taken up and canceled, and record thereof made in the proper books, or cash in the treasury shall have been set apart and reserved, equal to the amount of said demands that may then be outstanding, or to accrue for that year, and a surplus of money shall still remain in the treasury, then, and in such case, but not otherwise, the Board of Supervisors may, out of such Surplus Fund, and from no other source whatever, make appropriations for the various objects embraced within their lawful powers, other than those specified in the first fourteen subdivisions of this section, and may, in case the revenue of the year then next ensuing will, in their opinion, be amply sufficient to satisfy all demands upon the General Fund, and Police Fund, set apart and reserve the moneys so appropriated, to be expended from time to time, during such succeeding year, subject, however, to the provisions of section ninety-six. Every contract whereby any money is to be paid out of the treasury for other objects than those specified in the first fourteen subdivisions of this section, shall be null and void, as against the city and county, if made before such Surplus Fund exists in the treasury, and unless it be in writing, with a printed copy of section ninety-five, ninety-six, ninety-seven, and ninety-eight of this Act attached to it, and in such case, the officer or officers executing the same in behalf of the city and county, in contravention of this provision, shall alone be liable in his or their individual capacity, to the other contracting party, for the fulfilment of such contract.

SEC. 12. The second section of this amendatory Act shall not be construed so as to shorten or otherwise to affect the term of office of the officers chosen at the last general election. But all officers then elected shall continue in office and hold office for the same time as if said amendatory section had not been passed.

SEC. 13. The Board of Supervisors shall have power to examine and approve, and the Auditor to allow, in the same manner as heretofore examined and allowed, and register in a book to be specially prepared for that purpose, the demands of all officers of the county, and policemen of the city of San Francisco, for the months of April, May and June, A. D. 1856, in cases where the amount claimed has not been previously audited, and where the same is fixed by law, or by ordinance of the Common Council of said city, in pursuance of and by due authority of law. The said Board shall also have power to examine and approve, and the Auditor to allow and register the demands for compensation of the Board of Examiners, created by virtue of an ordinance numbered eight hundred and thirty-one, passed by the Common Council of said city on the 27th day of July, A. D. 1855, and also shall have power to examine and approve, audit and register the demands for compensation of the clerks and other persons actually employed by said Board of Examiners in aid of their official duties as such Board. *Provided*, That no amount exceeding thirty dollars per day for the time actually spent in said examination shall be allowed to the Chairman of said Board of Examiners, and a sum not exceeding twenty-

five dollars per day for the time actually spent shall be allowed the two Associate Examiners. *And provided, also,* That no sum exceeding ten dollars per day shall be allowed to any one of the clerks or other persons employed by said Board for the time actually spent by said clerks or other persons during such employment.

SEC. 14. Any indebtedness of such officer or policeman to the city and county, arising from over-payments or allowances made to him, either before or since the first day of July, A. D. 1856, beyond the amount to which he was legally entitled, or arising from any other cause, shall be deducted from any amount that may be found due him, and the balance only shall be allowed; and it shall be the duty of the Board of Supervisors, and of the Auditor, diligently and faithfully to examine the accounts and vouchers of such officers, and other evidence, in order to ascertain whether such indebtedness exists, and the true amount thereof. Over payments to be deducted.

SEC. 15. Any demands found due and owing to said officers or policemen, when allowed and registered by the Auditor, under the provisions of the next two preceding sections, shall be received at their par value in payment of all delinquent county taxes and delinquent city taxes for any fiscal year prior to July 1st, 1856. Demands due.

SEC. 16. Any demands examined, approved, allowed and registered, as compensation to the said Board of Examiners, created by said ordinance eight hundred and thirty-one, and of their clerks or other persons employed by them as aforesaid, shall be received at their par value in payment for any taxes due said city and county. Demands for compensation.

SEC. 17. This Act shall take effect immediately after its passage, but for the period which shall intervene until the next general election, the salaries to be allowed to the Police Judge, District Attorney, Chief of Police, and Auditor, shall be at the rate of five thousand dollars per annum, after which the same shall be as fixed in Section four of this Act. Take effect.

CHAPTER CXCI.

AN ACT

To authorize the Main Street Wharf Company to build a Wharf in the County of Solano.

[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The right to build and erect a wharf, from the high land at the foot of Main street, Vallejo, out to ten feet water at low tide, in Napa Bay, with the use and occupancy of a strip of Location and extent of grant.

Term.

overflowed land, forty wide on each side of the wharf, from the high land to the end of the wharf, is hereby granted to the said Main Street Wharf Company, and their assigns, for the term of twenty years from the passage of this Act. *Provided*, That so much of said strip of overflowed land, on each side of said wharf, may be used for the erection of projections to said wharf, to be used for the landing of freight and passengers, and for no other purpose ; such projections to be located and built in such convenient manner as will least obstruct a free ingress and egress to and from said wharf and projections.

When built.

SEC. 2. Said wharf shall be commenced and completed within one year from the passage of this Act, and the rates of charge for wharfage and toll thereon shall be regulated and assessed by the Board of Supervisors of the County of Solano.

CHAPTER CXCII.

AN ACT

To reorganize and establish the County of San Mateo.

[[Approved April 18, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County established.

SECTION 1. The County of San Mateo, as formed out of the southern portion of the County of San Francisco by an Act entitled "An Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, shall be and remain a county, under the name of "The County of San Mateo," as aforesaid.

Boundaries.

SEC. 2. The boundaries of said county shall be as follows :

Beginning at a point in the Pacific Ocean, three miles from shore and on a line with the line of the United States Survey, separating townships two and three, south, (Mount Diablo Mountain,) thence running east along said line separating the said townships, to the eastern boundary line of the County of San Francisco, as established by an Act entitled "An Act dividing the State into counties and establishing Seats of Justice therein," passed April twenty-fifth, one thousand eight hundred and fifty-one ; thence in a direct line to the middle of the Bay of San Francisco, opposite the mouth of San Francisquito Creek ; thence to and up the middle of said creek, following the middle of the south branch thereof to its source in the Santa Cruz Mountains ; thence due west to the Pacific

Ocean, and three miles therein; thence in a northwesterly direction parallel with the coast to the place of beginning.

SEC. 3. The officers of said county shall consist of one County Judge, one District Attorney, three Supervisors, one County Clerk who shall be ex-officio County Recorder, one Sheriff, one County Surveyor, one Assessor, one Treasurer who shall be Tax-Receiver, one Coroner, and one Public Administrator. County officers.

SEC. 4. The following annual salaries shall be paid monthly or quarterly, as the officers shall elect, out of the County Treasury, to the officers named in this section, in full compensation for all official services rendered, except such as are by law chargeable to individual persons; and no further compensation or allowance shall be made to such officers, either for extra services, fuel, lights, stationery, or contingencies of any kind. To the County Judge, eight hundred dollars per annum. To the Associate Justices of the Court of Sessions, four dollars per day for each day's service actually rendered, the time to be certified to by the County Judge. To the District Attorney, five hundred dollars per annum. To the County Treasurer, as Treasurer and as Tax Receiver, five hundred dollars per annum. To the Assessor, five dollars per day for each day's actual service rendered, and to which service he shall make oath before the Board of Supervisors. To the Chairman of the Board of Supervisors, who shall perform the duties of the office of County Superintendent of Public Schools, without other compensation, two hundred dollars per annum; and to each of the other Supervisors, one hundred dollars per annum. *Provided*, The provisions of this section shall not be deemed to apply to those now holding office during their present term. *And, provided further*, The District Attorney may in all cases receive the fees allowed by law. Salaries.

SEC. 5. To all officers, other than those mentioned in the preceding section, shall be paid such sums, as are allowed, and in the manner prescribed by law.

SEC. 6. There shall be an election held for all the county officers of the said county, and to ascertain the place preferred by its electors for their county seat, to be hereafter fixed by Act of Legislature, on the second Monday of May next; and the officers elected at such election, shall hold their respective offices until the next general election, and for the terms fixed by law, from and after the next general election, the same in all respects as if elected at the next general election, and until their successors are respectively elected and qualified, as provided by law. Election.

SEC. 7. Redwood City shall be, and remain the County Seat of said county, until otherwise provided by law. Terms of office.

SEC. 8. The Board of Supervisors of said county shall have power to levy and collect a special tax, not exceeding twenty-five cents on each one hundred dollars of taxable property, in said county, to be assessed and collected at the time, and in the manner of assessing and collecting other taxes, for the purpose of raising revenue for the building of a Court-house and Jail in said county, and to which purpose the money so collected, shall be solely and exclusively applied; but no part of the money so collected shall be applied to any such purpose, until the County Seat of said county shall be fixed by an Act of the Legislature, hereafter passed. County Seat.

Special tax.

- Annual tax.** SEC. 9. The Board of Supervisors shall also have power to levy and collect an annual tax, in the manner prescribed by law, not exceeding fifty cents on each one hundred dollars of taxable property in said county, to provide for the current expenses of the county, but no part of the money so collected, shall be applied towards the payment of any expenses, debt or liability incurred during any preceding year.
- No power to contract debt.** SEC. 10. Neither the Board of Supervisors, nor any officer or citizen of said county, shall have power to contract any debt or liability, against the said county; and no person or property therein, shall ever be liable or subject to be taxed, for any debt whatsoever, hereafter contracted against the said county by the Board of Supervisors. *Provided*, The provisions of this section shall not be held to prevent the paying out of money actually in the treasury, to the objects contemplated by law.
- Proviso.** SEC. 11. It shall be lawful to obtain certified copies from the proper officers, either of San Francisco or other counties of this State, of all deeds, mortgages, judgments, or other instruments in writing, which pertain to, affect, or relate, to any property within the limits of San Mateo County; and such certified copies, when filed with, or recorded by the Clerk and Recorder of said county, shall become a portion of its records.
- County Court.** SEC. 12. There shall be held in and for said county a term of the County Court, on the first Monday of March, July and November, in each year; also a term of the Probate Court on the Tuesday following the first Monday of each of the said months in this section named; and a term of the Court of Sessions on the Wednesday following the first Monday of each of the months aforesaid: and the terms of each of said Courts shall continue till all the business thereof is disposed of, but the Judge or Judges thereof may adjourn each, or any one of said courts, from day to day, or from time to time, so that the sessions shall not interfere with each other.
- Probate Court.**
- Court of Sessions**
- Terms.**
- Act not apply.** SEC. 13. The Act entitled An Act concerning County Judges, passed April fourth, one thousand eight hundred and fifty-four, requiring such Judges to reside at the county seat of their respective counties, shall not be held to apply to the county of San Mateo.
- Taxes.** SEC. 14. All taxes assessed upon real and personal property in said county which may be paid on or before the third Monday in October of each year, shall be so paid directly to the Treasurer of said county. All taxes that shall remain unpaid at such time shall be collected by the Sheriff of said county in the manner prescribed by law for the collection of delinquent taxes, and for the collection of which he shall be entitled to charge and receive from the persons delinquent the amount fixed by law.
- Delinquent taxes.** SEC. 15. All tax-payers of said county who shall pay the taxes assessed against them for the current year, on or before the third Monday of October thereof, shall be entitled to retain out of the amount so due for taxes five per cent.
- SEC. 16. The Treasurer and Tax Receiver of said county shall each year, immediately after receiving the tax-list as approved by the Board of Equalization, cause notice to be given, either by publication in a newspaper or by posting notices in three or more con-

spicuous places in said county, that he is ready to receive the taxes due from the tax-payers thereof; and that all persons that shall pay the same on or before the third Monday in October, then following will be allowed to retain out of the amount due from them five per cent., and that in case such taxes are not paid at such time, the persons from whom the same are due will be subject to pay an additional amount as delinquents. Delinquents' additional tax.

SEC. 17. Section nine of an Act entitled an Act Acts repealed. to repeal the several charters of the city of San Francisco, to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, is hereby repealed; and all other Acts and parts of Acts inconsistent with the provisions of this Act, are hereby declared inapplicable to the county of San Mateo.

SEC. 18. This Act shall take effect and be in force from and Take effect. after its passage.

CHAPTER CXCIIL.

AN ACT

To amend an Act entitled "An Act to incorporate Crescent City," passed April thirteenth, eighteen hundred and fifty-four.

[Approved April 21, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Article second of "An Act to incorporate Crescent City," passed April thirteenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows :

ARTICLE TWO. Section one. The officers of Crescent City shall consist of five Common Councilmen, an Assessor and a Marshal, who shall be elected by the qualified voters of the city, and shall hold their office for one year and until their successors are elected and qualified. Officers of Crescent City.

Section two. No person shall be eligible to the office of Councilman, Assessor or Marshal, who is not a qualified elector and has not been a resident of the State one year, and of the city six months previous to election.

Section three. The election for city officers shall be held on the Election. first Monday in May of each year; the Common Council shall designate the place of election, and appoint an Inspector and two Judges of election, who shall conduct such election according to the provisions of the laws regulating general elections in this State, Inspector and Judges. and shall within three days make out and deliver to the persons

receiving the largest number of votes, certificates of election, copies of which shall be filed with the Clerk of the County Court.

Section four. The officers of Crescent City shall take the oath of office before entering upon their duties as such, and the Treasurer and Collector shall give such bonds for the faithful performance of their duties, as the Common Council shall require.

When Council
elect officers.

Section five. At their first regular meeting in each year, the Council shall elect from their number a President, a Treasurer and a Clerk, who shall hold their offices for one year, unless sooner removed for misconduct.

SEC. 2. Section third of Article third of said Act is hereby amended so as to read as follows :

Powers of
Council.

Section third. The President and Council shall have power—
First. To make by-laws and ordinances, not in conflict with the Constitution and laws of the United States or of this State ; to prevent and remove nuisances ; to provide for licensing and regulating theatrical and other amusements in the city ; to provide for licensing any and all business, not prohibited by law, and to apportion such licenses according to the capital invested. Second. To open, construct, grade and repair streets, alleys and sidewalks, at the expense of persons owning property on such streets or alleys, *Provided*, That the owners of two-thirds of such property shall petition the Council to have such streets, alleys or sidewalks opened, constructed, graded or repaired. *And provided further*, That for these purposes the City Council shall be deemed the owner of all intersecting streets. Third. To have obstructions removed from streets and sidewalks, at the expense of adjoining property holders. Fourth. To establish markets, to improve and appropriate the commons belonging to the city, for the use and benefit of the inhabitants. Fifth. To impose and appropriate fines, penalties and forfeitures for breaches of ordinances. *Provided*, That no fine be imposed for more than two hundred dollars, and no offender imprisoned for more than sixty days. Sixth. To levy and collect taxes. *Provided*, That such taxes shall not exceed one-half of one per cent. per annum of the assessed value of property in the city, except for opening, constructing, grading and repairing streets, alleys and sidewalks, as herein otherwise provided ; to regulate the fees of the Assessor, Marshal, and Collector, and to establish a police. Seventh. To fill, by appointment, any vacancy that may occur by death, resignation, or otherwise, of any of said Councilmen, and to order an election to fill any vacancy in the office of Assessor or Marshal. *Provided*, That in case a majority of the Councilmen elected, in accordance with the provisions of this Act, should resign, or their office become vacant in any way whatever, then any remaining Councilmen may order an election to fill such vacancies.

SEC. 3. Section third of Article fifth of said Act is hereby amended so as to read as follows :

Duties of
Marshal.

Section three. The Marshal shall also act as Collector of all city taxes and licenses, and shall perform such duties as shall be prescribed for him by the Council.

SEC. 4. All Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

CHAPTER CXCIV.

AN ACT

Restricting the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin.

[Approved April 21, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person, or persons, sheep herded on owner's land. owning or having charge of any sheep, within the counties of Sonoma and Marin, to herd the same, or to permit them to be herded on the land or possessory claim of other than the land or possessory claim of the owner or owners of such sheep.

SEC. 2. The owner or owners, or the agents of such owners of Violation of Act. sheep, violating the provisions of section first of this Act, on complaint of the party or parties injured, and on conviction thereof before any justice of the peace for the township where either of the interested parties may reside, shall be liable to a fine of not less than twenty-five dollars, nor more than two hundred dollars, and Liability. shall be liable to pay to the party or parties injured, in a further sum of not less than twenty-five dollars, in the nature of damages for each day such violation of said section shall be permitted to continue.

SEC. 3. Where the owner or owners, or the agents of such Unknown owners. owners of sheep, found trespassing upon the lands or possessory claim of another shall be unknown to the party or parties injured by such trespass, then all sheep so found trespassing may be treated Treated as estrays. as estrays, according to the provisions of an Act entitled "An Act concerning Estray Animals," approved April 19th, A. D. 1856.

SEC. 4. All fines imposed and collected under the provisions of Fines. this Act, shall go to the School Fund of the county.

SEC. 5. Nothing in this Act shall be construed to prohibit or Act, how construed. prevent the herding of sheep upon any unoccupied public lands of this State, or of the United States, within said counties.

CHAPTER CXC.V.

AN ACT

Concerning certain Records in the County of San Joaquin.

Approved April 21, 1857.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- Book "A."** SECTION 1. Book "A," in the office of the County Recorder of the county of San Joaquin, and especially known as "Book A. Archives of Stockton," is hereby declared and made a perfect record, in as full and ample a manner as if the same had been made since the passage of "An Act concerning County Recorders," (passed March 26th, 1851,) and the instruments transcribed therein shall be evidence and notice, from and after the passage hereof, to all persons, in the same manner as if they were properly acknowledged, recorded, and certified, under said Act of March 26th, 1851.
- Book "B."** SEC. 2. Book "B," of the "Archives of Stockton," is hereby legitimated in like manner as book "A," aforesaid; and the County Recorder of said county is hereby required to transcribe the deeds in said book "B," into the Record of Deeds now kept and used by him; and such transcription by him shall have all the force and effect of an original record, properly acknowledged, certified and recorded.
- Books of Indexes** SEC. 3. The County Recorder of said county is hereby required to procure the proper books, and make the proper books of Indexes to all records in his office, to which there are now not accurate and perfect indexes, and such as are required to be kept by the said "Act concerning County Recorders," (passed March 26th, 1851.)
- Compensation of Recorder.** SEC. 4. The Supervisors of said county, are hereby authorized and required to audit the accounts of the said County Recorder of said county, for such an amount, as will be reasonable and ample compensation for the services required of him, by this Act, including pay for books to be procured by him in the premises, the amount of which account shall be paid out of the county treasury of said county.

CHAPTER CXCVI.

AN ACT

To change the Name of Nathan Pricket to that of Nathan Pricket Rice.

(Approved April 21, 1857.)

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the person known as Nathan Name changed. Pricket, to change his name to that of Nathan Pricket Rice.

CHAPTER CXCVII.

AN ACT

To provide for the Incorporation of the City of Yreka.

[Approved April 21, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The inhabitants of Yreka City are hereby constituted a body corporate and politic, under the name and style of "The Inhabitants of Yreka City," and by that name and style they, and their successors, shall be known in law, have perpetual succession, and be invested with all the rights and privileges conferred by, and be subject to all the liabilities, restrictions and provisions of an Act entitled "An Act to provide for the Incorporation of Towns," approved April 19th, 1856, so far as the provisions of said Act may be consistent with the provisions of this Act. Powers of Corporation.

SEC. 2. The limits and boundaries of said Yreka City shall be the same as those set forth and described in the survey and town plat of the County Surveyor of Siskiyou County, now on file, and on record, in the office of the County Clerk of said county; the area not to exceed the limits prescribed by "An Act to provide for the Incorporation of Towns," approved April 19th, 1856. Boundaries.

SEC. 3. As soon as the Board of Supervisors of Siskiyou County shall have received a copy of this Act, they shall order an election of the officers of said corporation, specifying in said order the time Election.

and place of election; but the time of said election shall not exceed twenty days from the date of said order.

Officers elected. SEC. 4. The officers elected as provided in section third of this Act, shall hold their office until the first Monday in May, one thousand eight hundred and fifty-eight, and until their successors are elected and qualified.

Trustees. SEC. 5. The Board of Trustees elected under the provisions of this Act, as well as their successors, shall not receive any compensation for their services.

Officers, no interest in contracts. SEC. 6. None of the elective officers of said corporation shall be directly or indirectly interested in any contract with said corporation, and any of such officers violating the provisions of this section, shall, on due conviction thereof, in any court of competent jurisdiction, be fined for each violation in the sum of five hundred dollars, to be paid into the Town Treasury.

Debts. SEC. 7. The said corporation shall assume, and provide for the payments of the debts contracted by the late supposed corporation of the inhabitants of Yreka City.

CHAPTER CXCVIII.

AN ACT

To authorize Charles J. Collins, his associates and assigns, to build a Wharf at or near Point Collberg, in Solano County.

[Approved April 21, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Right given. SECTION 1. Charles J. Collins, his associates and assigns, are hereby authorized to build a wharf at or near a point designated on Ringold's map of Suisun Bay as Point Collberg, in Solano County, commencing at high water mark and running into said Bay to a point where the water is ten feet deep, at low tide. *Provided*, said wharf shall be so located as not to obstruct navigation.

Proviso. SEC. 2. All of the right of the State of California to the overflowed land on which said wharf may be built, and fifty feet in width on each side, is hereby released to the said Charles J. Collins, his associates and assigns, for the term of twenty years. *Provided*, That said wharf shall be commenced within one year, and completed within two years, from the passage of this Act. *And provided, also*, That said fifty feet in width, on each side, shall be kept open for a free ingress and egress to and from said wharf.

Term of lease.

CHAPTER CXCIX.

AN ACT

To amend "An Act to fix the time of holding the District Court in the Third Judicial District," approved April 5th, 1856.

Approved April 22, 1857.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of said Act is hereby amended, so as to read as follows:

Section one. The District Court of the Third Judicial District, shall be held as follows: First. In the county of Santa Clara, on the fourth Mondays of March, July, and November. Second. In the county of Alameda, there shall be held a term of the District Court, on the third Monday of April, eighteen hundred and fifty-seven, as now provided by law, and thereafter, the District Court shall be held in the county of Alameda, on the first Mondays of July, October, January and April. Third. In the county of Monterey, after the passage of this Act, the first term of the District Court shall be held on the fourth Monday of August, eighteen hundred and fifty-seven, and thereafter, on the fourth Mondays of December, April, and August. Fourth. In the county of Santa Cruz, on the third Mondays of March, July, and November.

CHAPTER CC.

AN ACT

Making a grant for a Wharf at Monterey, and providing for the same.

[Approved April 22, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The overflowed and submerged land, at the city of Monterey, from the foot of Washington street to the foot of Lar-
kin street, extended to the Bay, inclusive, and extending into the Bay of Monterey, on a line with and between said streets, extended

from the line of high tide water to the line of four fathoms depth of water, at low tide, is hereby granted for the term of twenty years, to Jacob P. Leese, his heirs and assigns, that a wharf may be built in the Bay at said city. A wharf, on the land herein granted, shall be commenced within one year, and shall be made sufficient for the purposes of commerce, and the convenience of vessels, at the port of Monterey. *Provided*, That portion of the space and land herein granted, not used for wharf purposes, shall be open, and used for the mooring of vessels, and for free ingress and egress to and from said wharf. During said term, the grantee, his heirs and assigns, may receive and collect tolls, dockage and wharfage, upon merchandise and vessels using the wharf and the conveniences for shipping and landing herein provided. Said grantees, in consideration of the grant herein made, shall pay into the State Treasury one dollar per year, for said term; and upon the expiration of twenty years from the completion of the wharf, the rights and privileges herein granted shall revert to the State of California.

Term.

Wharf.

Proviso.

Tolls, wharfage,
&c.Rights revert to
State.

CHAPTER CCI.

AN ACT

To authorize the Board of Supervisors of Nevada County to levy a Special Tax for County purposes.

[Approved April 23, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in and for the county of Nevada is hereby authorized to levy, annually, in addition to other taxes levied for general purposes, a special tax, as follows: A sum not exceeding two dollars upon each male inhabitant of the county, not by law exempt from poll-tax, and a sum not to exceed one-fourth of one per cent. on all the taxable property in said county; and such poll and property taxes as may be assessed under this Act, shall be assessed and collected as are other poll and property taxes for State and county uses, and shall be paid in the legal currency of the United States; one half of the money collected under the provisions of this Act shall be held and used for the payment of the current expenses of the county, other than the salaries and fees of county officers, and the other half shall be paid into the general fund for the payment of the existing county debt.

Amount of Poll
tax.

Property tax.

Blank receipts,
for Poll taxes.

SEC. 2. Said Board of Supervisors may cause to be prepared so many proper blank receipts for poll-taxes as may be equal to

the probable number of the inhabitants of Nevada County liable to poll-tax, and the Clerk of the Board of Supervisors shall sign the same and make an entry thereof in a book to be by him kept for that purpose; and shall deliver to the Treasurer of said county so many of such executed receipts as may be required, and said Treasurer shall sign the same and make an entry thereof in a book to be by him kept for that purpose, and on or before the first Monday of March in each year, issue to the officers authorized to collect poll-taxes so many of such executed receipts for poll-taxes as may be needed, and such officer shall give a receipt to the Treasurer for the same, and shall be charged with the same and held accountable therefor. *Provided*, That the receipts so authorized to be issued by this section may be issued to the officer authorized to collect the poll-tax for the present year at any time prior to the first day of July next.

SEC. 3. Whenever any officer shall collect any poll-tax under this Act, he shall deliver such receipt so received from the Treasurer to the party paying such tax, and for any willful neglect so to do shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both fine and imprisonment.

SEC. 4. The officer authorized to collect poll-taxes shall make settlements for such receipts received by him, and pay over any money collected by him under this Act, at the same time and in the same manner as required by law in relation to other poll-taxes for State and county purposes; and his powers and compensation under this Act shall be the same as by law provided in relation to other poll-taxes for State and county purposes.

SEC. 5. The money collected and paid into the "Fund for Current Expenses" arising under the provisions of this Act, shall be paid out exclusively for the necessary county expenses accruing during the year commencing the first day of July next, and annually thereafter; and all orders drawn on the said fund shall distinctly specify the liability for which they are drawn, when it accrued, and shall be paid in the order of presentation to the County Treasurer; and if there be not sufficient money in the "Fund for Current Expenses" to pay all such orders drawn during the year, then the balance shall be paid in the same manner as the present outstanding county orders. If there remain at the end of the year any surplus of the money so raised by taxation for "current expenses," it shall be paid into the general fund of the county, and be applied to the payment of outstanding county orders, in the manner required by law.

SEC. 6. The County Treasurer of Nevada county shall pay, in order of their presentation and registration, all warrants heretofore issued by the Board of Supervisors of said county for the payment of the debt incurred for the re-building of the Court House and Jail of the county, and refitting and furnishing the same.

SEC. 7. Said Board of Supervisors is hereby authorized to require of the officers having the collection and disbursement of the fund arising under this Act such additional bonds, with sufficient sureties, as said Board may deem expedient.

CHAPTER CCII.

AN ACT

To pay E. H. Burns, for services rendered in the Suppression of Indian Hostilities in the County of Klamath, in this State.

Approved April 23, 1857.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Amount allowed.

SECTION 1. The sum of seven hundred and fifty dollars is hereby allowed to E. H. Burns, for services rendered in the suppression of Indian hostilities, in the county of Klamath, as contemplated by the second section of an Act entitled "An Act to be entitled an Act, authorizing the Treasurer of this State, to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity and Monterey Expeditions, against the Indians," approved May 3d, 1852.

Duty of Treasurer and Controller.

SEC. 2. It is hereby made the duty of the Treasurer and Controller of State, to issue to said E. H. Burns, State War Bonds for the sum mentioned in the preceding section, in accordance with the provisions of the aforesaid Act, passed May 3d, 1858; but the Treasurer shall not sign any coupons for interest prior to the one due in January, 1858.

CHAPTER CCIII.

AN ACT

To adjust the amount of indebtedness of the County of Napa to the County of Solano, and to provide for the payment thereof.

[Approved April 23, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Commissioners appointed.

SECTION 1. Johnson Horrell, of the county of Napa, Wm. S. Wells, of the county of Solano, and F. M. Warmcastle, of the county of Contra Costa, are hereby constituted and appointed a Board of Commissioners, to ascertain and adjust the amount of indebtedness due from the county of Napa to the county of Solano.

Sec. 2. The Board of Commissioners, as above constituted, shall, on or before the 25th day of May, A. D. 1857, meet at Benicia, in Solano County, and organize their Board, and proceed to ascertain the amount of the Debt of the county of Solano, accrued and outstanding prior to the fourth day of April, A. D. 1855, and the value of the taxable property, personal and real, in that portion of the county of Solano, when set off to the county of Napa, by an Act of the Legislature, approved April fourth, A. D. 1855, and entitled "An Act to amend an Act entitled an Act, dividing the State into counties, and establishing the Seats of Justice therein," passed April twenty-fifth, A. D. 1851, at the time of the passage of said Act.

Time and place
of meeting.

Sec. 3. When the matters set forth in the preceding section shall have been ascertained, said Board shall proceed to award a just and equitable portion of the indebtedness, ascertained as aforesaid, to be paid by the county of Napa to the county of Solano, apportioning the amount, with relation, and in proportion to the ascertained value of the taxable property in the portion of the country formerly belonging to Solano County, as mentioned in the foregoing section, and the amount of the debt of the county of Solano, ascertained as provided by the foregoing section.

Award portion of
debt due from
Napa to Solano.

Sec. 4. The Board of Commissioners shall certify their award to the Board of Supervisors of the county of Napa, and said Board of Supervisors shall, at the annual assessment, next succeeding the receipt by them of said certified award, levy a special tax upon all the taxable property of the county of Napa, sufficient to pay the amount of the award of the Board of Commissioners, with interest thereon, at the rate of ten per cent. per annum, from the date of the award, until the same shall be paid. Such amount so collected, shall remain in the treasury of the county of Napa, as a special fund, for the payment of the amount of the award of the Commissioners, with interest, as herein provided, and shall be paid to the county of Solano, on the order of the Board of Supervisors of said county, whenever such order shall be presented to the County Treasurer of Napa County, and such order shall be a voucher and receipt to such Treasurer, for the payment of the amount aforesaid.

Award to be
certified.

Supervisors of
Napa to levy tax.

Sec. 5. If either of the Commissioners hereby appointed, shall fail to attend at the appointed time and place aforesaid, or at any subsequent meeting of the Board, the County Judge of the county represented by him, shall immediately appoint some other person, who shall act as Commissioner in his place and stead; and if the person so appointed shall fail to attend at any meeting of the Board, his place shall be deemed vacant, and some other person shall be appointed by the County Judge as aforesaid, who shall act in his stead, and thus the Board shall be kept constantly full.

Vacancy, how
filled.

Sec. 6. The members of the Board of Commissioners shall receive as compensation for their services, ten dollars per diem for each day actually occupied by the duties of their commission, and shall certify the amount to the Board of Supervisors of the county of Napa, by whom the same shall be allowed and paid, as a county charge.

Compensation.

CHAPTER CCIV.

AN ACT

To authorize the Board of Supervisors of Marin County to pay the Current Expenses of said County.

[Approved April 23, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Revenue set
apart.

SECTION 1. The Board of Supervisors of Marin County are hereby authorized to set apart a certain portion of the annual revenue of Marin County, including the present year, to pay the annual current expenses of said county.

Amount.

SEC. 2. The Board of Supervisors shall not have power to set apart an amount exceeding two-thirds of the revenue of the year for which they were elected ; and all moneys over and above the amount so set apart, which may remain in the Treasury, shall be used for paying the former indebtedness of the county.

Not subject to
execution.

SEC. 3. The money set apart, pursuant to the foregoing sections, for paying the current expenses of the county, shall not be subject to any execution or writ issued for, or on account of, any debt which may be due or which may become due from said county.

CHAPTER CCV.

AN ACT

To authorize Thomas O. Larkin to sell certain Land in Colusi County, belonging to his Infant Children.

[Approved April 23, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authority given.

SECTION 1. Thomas O. Larkin, as guardian, now or hereafter to be appointed, of his infant children hereinafter mentioned, is hereby authorized to sell, at public or private sale, a certain tract of land belonging to Frederick H. Larkin, Frances R. Larkin, Caroline A. Larkin, and Alfred O. Larkin, situated on the west side of Sacramento River, in the County of Colusi, containing ten

Spanish leagues of land, derived from a grant of the Mexican Government, dated December, 1844, which grant has been confirmed by the Board of United States Land Commissioners, the United States District Court of California, and the appeal dismissed by the United States Government.

SEC. 2. Thomas O. Larkin is authorized to subdivide said land Manner of sale. into small portions, and to sell the same in such parcels and quantities, for cash or credit, as in his judgment will best promote the interests of the persons, his minor children, named in section first of this Act. And the said Larkin shall make his deed of conveyance of all lands thus sold, which deed shall convey all the right, title and interest of said minors in said lands to the purchaser or purchasers.

SEC. 3. Before performing any act authorized by this Act, said Bond required. Thomas O. Larkin shall give his bond, in the sum of twenty-five thousand dollars, to be approved by the Probate Judge of San Francisco County, and filed in the office of the Clerk of the Probate Court thereof, conditioned for the faithful discharge of his duties, and that he will apply all sums of money arising from the sale of lands under this Act, for the use and benefit of said minor children.

SEC. 4. At the expiration of one year from the passage of this Annual statement. Act, and annually from year to year thereafter, until the whole of said tract of land shall be disposed of, said Thomas O. Larkin shall file in the office of the Probate Clerk of San Francisco County, a statement of all acts and proceedings by him had or done by virtue of this Act.

CHAPTER CCVI.

AN ACT

To provide for the Payment of the Debt of Santa Cruz County.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors in and for the County of Santa Cruz, in addition to other taxes they may actually levy under authority of law, shall annually levy a special tax of twenty-five cents on the hundred dollars, which may be increased, at their discretion, to fifty cents on the hundred dollars on the taxable property in the county, and said tax shall be collected at the same time and in like manner as other taxes are collected in said county ; and shall be payable in legal currency of the United States ; and Special tax authorized.

the money derived from said special tax shall constitute a "Sinking Fund" for the extinguishment of the present and accruing indebtedness of said county, and shall be held and disbursed in pursuance of the provisions of this Act.

When amount in
Sinking Fund
equals certain
sum.

SEC. 2. Whenever there shall accumulate in the County Treasury, from proceeds of the special tax, as provided for in the foregoing section, the sum of five hundred dollars or over, it shall be the duty of the County Treasurer to give at least twenty-one days notice before the regular meeting of the Board of Supervisors, either by publication in some newspaper published at the county seat, or by posting four public notices in four public places in said county, of the amount of money in the said Sinking Fund, as above provided, and that sealed proposals, directed to him, and marked "Sinking Fund," for the surrender of county warrants, will be received by him up to the time when the Board of Supervisors and County Treasurers shall commence opening said proposals, as hereinafter provided.

Notice.

Opening pre-
posals.

SEC. 3. On the first day of the regular meeting of the Board of Supervisors, after said twenty-one days' notice, between the hours of two and four o'clock, P. M., the Board of Supervisors and County Treasurer shall attend at the office of the latter, and then and there open all proposals, and the Board of Supervisors shall accept those proposals offered at the lowest rate and most favorable to the county, for the surrender of county warrants. *Provided*, That no bid for more than par value of said warrants, or any bid unless accompanied by the warrant or warrants proposed to be surrendered, shall be considered; and provided there be no quorum present to act upon the proposals at the time and place, and in the manner specified in this section, then as soon thereafter as there be a quorum present they shall proceed as hereinbefore provided.

Proviso.

When amount in
fund is less.

SEC. 4. If, upon the final settlement of the Sheriff for taxes collected during the year an amount less than five hundred dollars shall remain in the said Sinking Fund, the Board of Supervisors and Treasurer may proceed in the same manner as if there were five hundred dollars in said fund.

Duty of Treas-
urer.

SEC. 5. Whenever any bids are accepted it shall be the duty of the County Treasurer to take a description of the number and amount of the warrant or warrants to be redeemed, specifying the amount to be paid each warrant, and make a record thereof in his office, and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the Sinking Fund; said order shall specify the number and the amount of each warrant, and the sum to be paid therefor, and the warrants so redeemed shall be canceled as other redeemed warrants, except that the County Treasurer shall write on the face of said warrants purchased the amount paid for the same, and shall sign his name thereto; and said canceled warrant, together with the order of the Board of Supervisors directing the County Treasurer to purchase said warrants, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being at equal rates, the preference shall be given to the person offering the smallest amount of warrants, and the bids and amount of warrants being equal, each shall be accepted *pro rata*, or as nearly so as

Redeemed
warrants
canceled.

possible. The County Treasurer shall return all unaccepted bids together with the warrants therein contained, to the owners on demand.

Sec. 6. The County Treasurer shall keep a separate account under the head of "Sinking Fund" of all moneys received from the source specified in the first section of this Act, and the said moneys shall never be used or mixed with other funds. Separate acct. of Sinking Fund.

Sec. 7. The Collector of Taxes shall be allowed three per cent. and no more, for collecting, and the County Treasurer shall be allowed three per cent. and no more, for receiving and disbursing all moneys collected under this Act. *Provided*, The revenue raised under this Act shall not be deemed or taken as a revenue for current expenses further than as provided in this Act; and whenever the Board of Supervisors shall ascertain that there is no existing indebtedness of the county exceeding the available means on hand to pay the same, then their powers to levy taxes under this Act shall cease. Fees of Tax Collector and of Treasurer.
Tax, when cease.

CHAPTER CCVII.

AN ACT

To fix the Compensation of the Supervisors in the Counties of Butte and Amador.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this Act, each member of the Board of Supervisors in the county of Butte shall be entitled to receive for his services, for each day's necessary attendance on the business of the county, a sum not exceeding six dollars per day, and not to exceed, in the aggregate, during any one year, six hundred dollars. Compensation of Supervisors of Butte.

Sec. 2. From and after the passage of this Act, each member of the Board of Supervisors in the county of Amador shall be entitled to receive for his services for each day's necessary attendance on the business of the county, a sum to be fixed by the Board, not exceeding six dollars per day, and not to exceed, in the aggregate, during any one year, two hundred and fifty dollars; and he shall receive twenty-five cents per mile for each mile necessarily traveled in going to and returning from the county seat. *Provided*, That no charge shall be made for more than one trip going and returning from the residence of such Supervisor at each term held; *and, provided*, that no Supervisor shall be allowed more than one day's Of Amador.

per diem for any one day by reason of his being on the committees appointed by the Board, or for any other cause; and no further allowance whatever shall be made for services as a member of the Board.

Repeal

SEC. 3. So much of section eighteen of an Act entitled "An Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers," passed March 20th, one thousand eight hundred and fifty-five, so far as it applies to the counties of Butte and Amador, is hereby repealed.

CHAPTER CCVIII.

AN ACT

Supplementary to "An Act concerning Divorces," passed March 25th, 1851.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proof required.

SECTION 1. No divorce shall be granted in any action by default of the defendant, nor on the admission or statement of either party, but in all cases the court shall require proof of the facts alleged as the grounds for a divorce, which proof, if taken before a referee, shall be upon written questions and answers, and free from all legal exceptions as to its competency, admissibility and sufficiency. Nor shall it be lawful for any court to grant a divorce upon any statement or finding of facts by a referee, but only upon the legal testimony taken in the cause. In every action for a divorce the complaint must be verified.

See Compiled Statutes, page 372

CHAPTER CCIX.

AN ACT

Amendatory and explanatory of an Act entitled "An Act amendatory to an Act entitled an Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County, passed April 27th, 1855," approved April 3d, 1856.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of said Act is hereby amended so as to read as follows:

Section two. It is hereby made the duty of the County Surveyor of said county, when called upon by said County Judge, or corporate authorities, as the case may be, and under his or their direction, to proceed to lay out such town lots in said county, numbering the lots and blocks in such town, conforming as far as possible to the original plan thereof, and reserving for the public use, ornament and health, as many lots or blocks as may be deemed necessary for such purposes. And it shall also be the duty of the County Surveyor to make or cause to be made, two maps or plats of each of the towns in said county, surveyed by him as aforesaid, one to be deposited with the said County Judge, or corporate authorities of the town, for the use of the town, and one with the County Recorder of said county. *Provided*, That the County Judge, or corporate authorities, or both in conjunction, may in their discretion, adopt any map or survey heretofore made of any town to which this Act is applicable.

Duty of County Surveyor.

Proviso.

CHAPTER CCX.

AN ACT

To provide for the Erection of a Court House and Jail in the County of San Luis Obispo.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the County of San Luis

- Special tax.** Obispo are hereby authorized and required to levy a special tax upon the taxable property in the county, not exceeding one-half of one per cent. on the valuation of the same; and the money collected under this Act shall be set apart and held as a special "Court House and Jail Fund," and used only as herein provided.
- Advertise for plans, &c.** SEC. 2. The said Board may advertise for and receive plans, specifications and estimates for constructing a Court House and Jail, or either of them, and shall adopt such plans and specifications as to them may seem best for the county, reference being had to the probable expense, and after adopting such plans and specifications, said Board shall give notice by posting, in at least three public places in the county, for at least thirty days, that sealed proposals will be received, at a place to be specified in the notice, for building a Court House and Jail, or either of them, according to the plans and specifications adopted.
- Proposals for building.**
- Bids when opened.** SEC. 3. After thirty days' notice, and at the time and place specified in the notice, said Board shall open all bids and proposals for building and completing a Court House and Jail, or either of them, as the case may be, according to the plan or plans and specifications, and within such reasonable time as may be fixed by the Board, and the contract shall be awarded to the lowest responsible bidder, who will give sufficient security for the prompt and faithful performance of the contract; but said Board shall not accept any bid which, in their judgment, is higher than a fair and just compensation for the performance of the work.
- Payments.** SEC. 4. All payments for notice made necessary by this Act, and for constructing and furnishing said Court House and Jail, or either of them, shall be made by warrants drawn on the "Court House and Jail Fund," and said warrants shall be paid from said fund in the order of their presentation to the Treasurer of said county. *Provided*, That no payment be made out of said fund for salary, allowance or compensation to any officer, or to any person as agent, architect or superintendent, or for any purpose other than that specified in this Act.
- Proviso.**
- Amount allowed as work progresses.** SEC. 5. Warrants for seventy-five per cent. of the estimate value of the work done on said Court House and Jail, or either of them, as the case may be, may be drawn as the work progresses, at least thirty per cent. of the whole amount to be paid being reserved until the completion of the Court House and Jail, or either of them, as the case may be, as additional security for the performance of the contract.
- Contracts, separate or together.** SEC. 6. The Board of Supervisors shall have the power to contract for the erection and furnishing both the Court House and Jail together, or separately, as they may deem best for the county.
- Act, when cease.** SEC. 7. This Act shall cease to be of effect when said Jail and Court House shall be completed, properly furnished and paid for, and should any surplus money then remain in the said fund, it shall be turned over to the General Fund of the county, and used as such.
- Repeal.** SEC. 8. The Act to provide for the erection of a Jail in the county of San Luis Obispo, passed May 5th, 1855, is hereby repealed, and the money collected under the provisions of the same, and now remaining in the Treasury, shall be turned over to the Court House and Jail Fund, to be held and paid out as provided herein.

CHAPTER CCXI.

AN ACT

Concerning the Indigent Sick in the County of Placer.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the Board of Supervisors of Placer County, to make provisions for the indigent sick of the county as follows:

First, for all indigent sick whose diseases are natural, or the result of unavoidable accidents, and who, when in health, had some lawful and visible means of support. Provision, first made.

Second, for all indigent sick whose diseases are not venereal or the result of intemperance. *Provided*, the Board of Supervisors shall not provide for the indigent sick of the second class, unless there is an unexpended balance in the Hospital Fund after providing for all the indigent sick of the first class. Second.

SEC. 2. The Board of Supervisors shall not for any purpose audit any account, or permit the issuance of any order payable out of the Hospital Fund, unless at the time of auditing such account and the issuance of such order there is an unexpended balance in the Hospital Fund to meet the payment of said order on presentation. When accounts allowed.

SEC. 3. The County Treasurer shall report to the Board of Supervisors, on the first day of each meeting of said Board, the amount of money remaining in the Hospital Fund at the date of said report, subject to their order, and in no case shall the Board of Supervisors, at any such meeting, allow or direct the issuance of orders which will, singly or in the aggregate, exceed the sum reported by the Treasurer to be subject to their order at said meeting, and in no case shall any order be issued payable out of any other than the Hospital Fund for any service rendered for or in behalf of the indigent sick of the county; and any member of the Board of Supervisors, or County Auditor, consenting to the issuance of any order in violation of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum double the amount of such order, and in default of payment shall be imprisoned in the County Jail for any time not exceeding sixty days. *Provided*, That nothing in this Act contained shall be construed to prevent the Board of Supervisors from auditing and directing the issuance of orders on the General Fund of the county, (in case there is a deficiency in the Hospital Fund,) for the discharge of any and all indebtedness which may have been incurred for the care and maintenance of the indigent sick prior to the passage of this Act. Treasurer's report amount in fund

SEC. 4. The Board of Supervisors shall have the power to contract for the care, maintenance and medical treatment of the indigent sick. Misdemeanor and penalty.

Proviso.

Contracts for care of sick.

gent sick of the county; but all contracts shall particularly specify that the party or parties agreeing to keep said indigent sick, shall accept, in full satisfaction for said contract, the money to be received into the Hospital Fund, during the continuance of said contract; and said contract shall further specify the price per week at which each indigent sick patient shall be kept, which price shall not exceed twelve dollars per week.

Applications. SEC. 5. All applications for the benefits of this Act, shall be made to the Board of Supervisors, or some member thereof, and no person shall be admitted as a charge upon the County Hospital Fund until he or she shall first subscribe to an oath, before some person qualified to administer the same, specifying that he or she is indigent sick, and has no means of support or sustenance here or elsewhere.

Oath of persons admitted.

Repeal. SEC. 6. An Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," and all other Acts and parts of Acts conflicting with the provisions of this Act, in their application to the County of Placer, are hereby repealed.

CHAPTER CXXII.

AN ACT

To amend an Act entitled "An Act to incorporate the Town of Placerville," passed May thirteenth, one thousand eight hundred and fifty-four.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of Article three, of an Act entitled "An Act to incorporate the town of Placerville," passed May thirteenth, eighteen hundred and fifty-four, is hereby amended, so as to read as follows:

Powers of Council.

Section six. The Council shall have power within the city—
First. To make by-laws and ordinances not inconsistent with, or repugnant to the laws of this State. Second. To levy and collect taxes on all property, real and personal, made taxable by law for State purposes, not exceeding two per cent per annum upon the assessed value of all such property. Third. To provide for the grading, paving, or otherwise improving the streets and sidewalks, and keeping the same in repair, also to prevent and remove obstructions from the streets and sidewalks, to provide for the prevention and extinguishment of fires; to organize and establish fire companies; to regulate the storage of gunpowder, and other combustible material; to prevent and remove nuisances; to license and

regulate auctioneers, taverns, bar-rooms, theatricals, circuses, and all other exhibitions, shows and amusements; also all trades and callings, in proportion to the amount of business done by each; to regulate tippling houses, dram shops, gaming and gaming houses, hawkers, peddlers, pawnbrokers and raffles; also disorderly houses of all kinds, including houses of ill-fame or prostitution; to provide for all necessary public buildings for the use of the city; to open, alter or widen streets and alleys; to establish a city hospital and provide for the indigent sick; to borrow money in case of emergency upon the faith and credit of the city, but no loan shall be made for any sum whatever, without the consent of the electors of the city to such loan having been previously obtained by a vote of the citizens; to appropriate money for any item of city expenditure, and to provide for the payment of any indebtedness against the city; to prevent or restrain any riot or disorderly conduct within the city; to impose and appropriate fines to the use of the city, for forfeitures, penalties, or breach of any ordinance, and to provide for the punishment of breaches of any ordinance, but no fine shall be imposed for one offense for more than five hundred dollars, or imprisonment for more than thirty days; to punish its members by fine for disorderly conduct, and to expel members for cause, with the concurrence of two-thirds of the members elected.

Powers of
Council

CHAPTER CCXIII.

AN ACT

Concerning County Warrants.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Auditor of every county may draw warrants Authority to draw warrants.
on the County Treasury for the payment of all claims and demands, legally chargeable against the county, which are, according to law, examined, settled, allowed and ordered paid by the Board of Supervisors of the county; and all such warrants heretofore drawn by any County Auditor, for the payment of claims and demands, legally chargeable against his county, after the same were examined, settled, allowed, and ordered paid, according to law, by the Board of Supervisors, are hereby legalized, and declared and made valid and effective, to all intents and purposes, as if this Act had been in force at the time said warrants were issued. *Provided,* *Proviso.*
this Act shall not be construed to repeal or change the provisions of "An Act concerning the Revenue of Calaveras County," passed

in March, A. D. 1857 ; nor shall any of the provisions of this Act be construed to apply to the city and county of San Francisco.

CHAPTER CXXIV.

AN ACT

To authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at private sale.

[Approved April 24, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Names of
Executors.

SECTION 1. That Henry W. Halleck, Archibald C. Peachy, and P. Warren Van Winkle, appointed Executors by the last Will and Testament of Joseph L. Folsom, deceased, late of the County of San Francisco, and which said last will and testament was admitted to Probate, in said county, on the sixth day of August, 1855, be, and they are hereby authorized to sell such portion of the real estate, of which the said Folsom died seized and possessed, and any right, title or interest, in any real estate owned or claimed by the said Folsom, wherever situated in the State of California, as may be sufficient to pay allowances to the family of the deceased which have already been made, or which may hereafter be made by the Probate Judge of said county, and to pay the debts against said estate, and the expenses of administration and legacies, on such terms and in such manner, whether at private or public sale, as may in their opinion be most advantageous to said estate.

Power to sell.

Terms of sale.

Inability of
Executors to act

SEC. 2. That in case of the death, resignation or removal, by the Probate Judge, or absence from the State, or other inability to act, on the part of any one or any two of the Executors, the survivors or survivor, or the remaining Executors or Executor, may proceed to sell in like manner as the three Executors herein named, are authorized to proceed in section first, and shall have the same authority as conferred in any other part of this bill.

Conveyances.

SEC. 3. That in case of any sales under the authority of this Act, the Executors, or any one or two of them, as above provided, may execute to the vendee or vendees, of the real estate so sold, all necessary and sufficient conveyances therefor ; and may in like manner make conveyances in case of compromise or arbitration as hereinafter provided.

Additional
security.

SEC. 4. That in case of any sale as herein provided, the Probate Judge may in his discretion require the said Executors, to file bonds with additional security for the faithful discharge of the duties of said Executors under this Act.

SEC. 5. The said Executors shall make a full report of the sale or sales of said real estate to the Probate Court of the County of San Francisco, within a reasonable time thereafter, who shall confirm or reject said sale or sales, as in other cases of sales of real estate by Executors or Administrators; and the Executors shall make no conveyance of real estate sold under this Act, nor shall such sale become definitely valid unless the sale be first confirmed and approved by the said Probate Judge. Report of sales to Probate Court

SEC. 6. The Executors herein named shall also have authority to compromise without arbitration, or settle by arbitration, any suit or suits, in which they are or may be plaintiffs or defendants, affecting the title of said estate to any real estate, or to compromise without suit any claim against or in favor of said estate, on account of any real estate, and to report said compromise to the said Probate Court, who may confirm or reject the same according as the same may appear to said Court advantageous or prejudicial to said estate; but no such compromise or award of arbitrators shall be definitely valid unless approved and confirmed by said Probate Judge. Authority to compromise.

SEC. 7. That no sale shall be made under this Act on a credit of more than twelve months, or compromise made providing for a payment to the estate on a credit for more than six months. Sales on credit.

CHAPTER CCXV.

AN ACT

To authorize Rafael Gomez to receive and enjoy certain property.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Rafael Gomez, a minor, aged about eighteen years, and a resident of the county of Monterey, is empowered to receive, receipt for, control, manage and enjoy, in like manner as if he were of full age, any and all property to which he is entitled, of the estate of his deceased father, Rafael Gomez. Same control of property given as if of age.

CHAPTER CCXVI.

AN ACT

Amendatory of an Act entitled "An Act to amend an Act entitled an Act, amendatory of, and supplementary to an Act entitled an Act concerning Courts of Justice of this State, and Judicial Officers," passed April 16th, 1855.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of the Act entitled "An Act to amend an Act entitled an Act amendatory of, and supplementary to an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers," passed April sixteenth, eighteen hundred and fifty-five, is amended so as to read as follows:

Section first. The twelfth section of the Act entitled "An Act concerning Courts of Justice of this State, and Judicial Officers," passed May nineteenth, eighteen hundred and fifty-three, is amended so as to read as follows:

Number of Judicial Districts.

Section twelfth. The State shall be divided into fifteen Judicial Districts, which districts shall be numbered, and composed of the several counties, and parts of counties, as follows:

Counties in First District.

First. The First Judicial District shall be composed of the counties of San Diego, Los Angeles, and San Bernardino.

Second District.

Second. The Second Judicial District shall be composed of the counties of Santa Barbara, and San Luis Obispo.

Third.

Third. The Third Judicial District shall be composed of the counties of Santa Cruz, Santa Clara, Monterey, and Alameda.

Fourth.

Fourth. The Fourth Judicial District shall be composed of that part of the northern portion of the city and county of San Francisco, lying north of a line, described as follows: commencing at the western boundary of said county, at a point in a line with the center of Bush street, in said city, thence running easterly in a line with and through the center of Bush street, to the center of Larkin street; thence northerly, along the center of Larkin street, to the center of Pine street, thence easterly, along the center of Pine street, to the center of Kearny street; thence northerly, along the center of Kearny street, to a point in a line with the northern side of the City Hall or Court-house; thence easterly to, and along the northerly line of the City Hall or Court-house, to a point sixty-five feet from the easterly line of Kearny street; thence at right angles southerly, to the southern line of said Hall or Court-house; thence westerly along the southern line of said building, to the easterly line of Kearny street; thence southerly along said eastern line of Kearny street, to the centre of Clay street; thence easterly along the center of Clay street, to a point in the eastern boundary line of said county.

Fifth. The Fifth Judicial District shall be composed of the Fifth. counties of Calaveras, Amador, Tuolumne and San Joaquin.

Sixth. The Sixth Judicial District shall be composed of the Sixth. county of Sacramento.

Seventh. The Seventh Judicial District shall be composed of Seventh. the counties of Marin, Sonoma, Mendocino, Napa, Solano, and Contra Costa.

Eighth. The Eighth Judicial District shall be composed of the Eighth. counties of Humboldt, Klamath, and Del Norte.

Ninth. The Ninth Judicial District shall be composed of the Ninth. counties of Shasta, Siskiyou, and Trinity.

Tenth. The Tenth Judicial District shall be composed of the Tenth. counties of Yuba and Sutter.

Eleventh. The Eleventh Judicial District shall be composed of Eleventh. the counties of El Dorado, Placer, and Yolo.

Twelfth. The Twelfth Judicial District shall be composed of Twelfth. that portion of the city and county of San Francisco, which is not included within the limits of the Fourth Judicial District, as above described, and of the county of San Mateo.

Thirteenth. The Thirteenth Judicial District shall be composed Thirteenth. of the counties of Mariposa, Tulare, Fresno, Merced, and Stanislaus.

Fourteenth. The Fourteenth Judicial District shall be com- Fourteenth. posed of the counties of Sierra and Nevada.

Fifteenth. The Fifteenth Judicial District shall be composed of Fifteenth. the counties of Plumas, Butte, Colusi, and Tehama.

CHAPTER CCXVII.

AN ACT

Supplementary to an Act entitled "An Act to authorize William Moody and Morgan Hart to build a Wharf in the County of Solano," approved May 3d, 1852.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The rights and privileges hereto granted unto William Moody and Morgan Hart, by an Act of the Legislature of this State, entitled an Act to authorize William Moody and Morgan Hart to build a wharf in the County of Solano, approved May 3d, 1852, and subsequently assigned to Josiah Wing, who was, at the time of granting of said rights and privileges, a partner of said Morgan and Hart in said grant, are hereby extended and confirmed

Rights given to one party extended and confirmed to another.

to said Josiah Wing, with the same force and taking effect from the same time as if they had been granted to the said Josiah Wing instead of to the said Morgan and Hart on the 3d day of May, 1852.

CHAPTER CCXVIII.

AN ACT

To change and fix the Time of holding the Court of Sessions in the County of Sutter.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Court of Sessions SECTION 1. The Court of Sessions in and for the County of Sutter shall be held at the county seat of said county, on the second Mondays of August, November, February and May of each year.

Repeal. SEC. 2. Section fifty-nine of "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed May nineteenth, eighteen hundred and fifty-three, so far as the same relates to the County of Sutter, is hereby repealed.

CHAPTER CCXIX.

AN ACT

Supplementary to and explanatory of an Act entitled "An Act amendatory of and supplementary to an Act entitled An Act to create the office of State Printer, and to define the duties and compensation thereof, and to provide for the time and manner of election, (passed May 1st, 1854,) passed April 11, 1857.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Clause, how construed. SECTION 1. The last clause of section three of the Act to which this Act is supplementary and explanatory, shall not be construed

so as to preclude the State Printer from receiving pay for the copies of the journals required to be printed by section nine of the Act of which said Act is amendatory and supplementary. *Provided*, That whenever during any session of the Legislature either House shall, by resolution or otherwise, order copies of its journals printed daily, for the use of said House, no charge shall be made or allowed for composition upon the said copies of such journals so ordered printed. Proviso.

SEC. 2. The Act to which this is supplementary and explanatory shall take effect upon the first day of July, A. D. one thousand eight hundred and fifty-seven. When take effect.

CHAPTER CCXX.

AN ACT

Amendatory of An Act entitled an Act to establish the Boundaries of Amador County and fix the County Seat thereof, passed April 23d, 1855.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of said Act is hereby amended so as to read as follows :

Section first. The following shall be the boundaries of the County of Amador: Beginning in the middle of the Mokelumne River on the eastern boundary of San Joaquin County, thence up the middle of the channel of said river to the junction of the north fork of the same, thence up the middle of the said north fork to its source, thence due east to the eastern boundary of the State, thence northwardly to the southern boundary of El Dorado County, thence down the middle of the channel of the said South Fork of the South Fork of the Cosumnes River to its mouth, thence down the middle of the channel of the said South Fork of the Cosumnes River to its mouth, thence down the middle of the channel of the Cosumnes River to where said river enters Sacramento County, thence southeastwardly on the line of Sacramento and San Joaquin Counties to the place of beginning. Boundaries
Amador Co.

CHAPTER CCXXI.

AN ACT

To authorize the Superintendent of Common Schools in the Counties of Placer, Sutter, Amador, and El Dorado, to teach School.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Portion of Act
repealed.

SECTION 1. So much of an Act entitled "An Act amendatory of and supplementary to an Act to establish, support and regulate Common Schools, and to repeal former Acts concerning the same," approved March twenty-eighth, eighteen hundred and fifty-seven, so far as the same prohibits the present incumbents of the office of Superintendent of Common Schools of the Counties of Placer, Sutter, Amador, and El Dorado, from teaching school, is hereby repealed, so far as the same relates to said Counties of Placer, Sutter, Amador, and El Dorado.

CHAPTER CCXXII.

AN ACT

Concerning the County Judge of Plumas County.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Place of residence.

SECTION 1. The County Judge of Plumas County may reside at any place in said county. *Provided*, That the regular Terms of Court required to be held by the County Judge, shall be held as required by law.

CHAPTER CCXXIII.

AN ACT

To amend an Act fixing the time of holding the several Courts authorized to be held by the County Judge in the County of Alameda, passed March 10th, 1854.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the above recited Act is hereby amended so as to read as follows:

Section first. The Courts authorized to be held by the County Judge in the county of Alameda, shall hereafter be held all at the same time; the terms to commence on the third Mondays of January, March, May, July, September and November. Courts held all at same time.

CHAPTER CCXXIV.

AN ACT

Amendatory of, and supplementary to an Act entitled "An Act to repeal the several charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the government thereof," approved April 19th, 1856," of, and to which, there is a certain other Act, amendatory and supplementary, approved April 18th, 1857.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The eighty-first section of the Act named in the title of this Act, as approved April 19th, 1856, which section was amended by the eighth section of the Act last in said title named, is hereby amended so as to read as follows:

Section eighty-one. The following demands against the treasury shall be received for taxes, at one per cent. above their par value: Demands received for taxes.

First. Audited bills of the current fiscal year, for wages or salaries of Teachers in the Common Schools, and all other duly audited demands of such year, payable out of the School Fund, after having

been presented for payment and registered by the Treasurer, as provided in section eighty-eight, shall be received for school taxes, but no other demands shall be so received.

Coupons.

Second. Coupons due, or to become due, during the current fiscal year, issued by the Commissioners of the Funded Debt, for the payment of the interest upon the certificates known as the San Francisco City Stock, under the provisions of the Act entitled "An Act to authorize the Funding of the floating Debt of the City of San Francisco, and to provide for the payment of the same," passed May first, one thousand eight hundred and fifty-one, and all coupons so received, must every week be handed over to said Commissioners to be canceled, and the receipt of said Commissioners taken therefor by the Treasurer; also the coupons due, or to become due, during the current fiscal year, issued by the Board of Fund Commissioners, in pursuance of an Act entitled "An Act to provide for the Funding the legal and equitable Debt of the city of San Francisco, and for the final redemption of the same," passed May seventh, one thousand eight hundred and fifty-five.

Third. Coupons due, or to become due, during the current fiscal year, issued for interest, by the Commissioners for funding the floating debt of the County of San Francisco, in pursuance of the Act entitled "An Act to Fund the Floating Debt of the County of San Francisco," passed May fourth, one thousand eight hundred and fifty-two.

Other demands to be received.

Fourth. All lawful demands upon the Treasury, except those payable out of the School Fund and the Surplus Fund, after having been duly audited, and presented for payment and registered, as provided in Section eighty-eight, shall be a legal tender for the whole amount of all taxes and other dues belonging to and receivable into the City and County Treasury. *Provided*, That none of the demands or coupons named in the several numbered subdivisions of this section, shall be received for State taxes and dues to the State Treasury. *And provided further*, That none of the

Proviso.

Treasurer when guilty of misdemeanor.

demands or coupons aforesaid, except as provided in the first of said subdivisions, shall be received for or in payment of school taxes. If the Treasurer shall refuse to receive such audited demands or coupons, when tendered for taxes or other dues to the Treasury as aforesaid, or shall neglect to cancel such audited demands on the day so received, or otherwise paid into the Treasury, or shall neglect to deliver such coupons received by him to the Fund Commissioners, as before required, he shall be deemed guilty of a misdemeanor in office, and for every offense shall, on conviction thereof, be adjudged to pay a fine equal to the amount of the audited demands and coupons so tendered and refused, or so received or paid, and neglected to be canceled, or to be delivered to the Commissioners as aforesaid. Every receipt of the Treasurer shall specify in what funds the payment was made, whether in cash, audited demands or coupons, and the amount of each; and his receipt for State dues shall in the same manner specify how payment was made, otherwise he shall be liable to account for the amount thereof in cash only.

Penalty.

Receipt for State dues

School Marshals.

Sec. 2. The Board of Education of said city and county shall have power to select and designate Common School Marshals, who shall perform the duties of the Marshals named in section eighteen

of an Act entitled "An Act to establish, support and regulate Common Schools, and repeal former Acts concerning the same," approved May 3d, 1855, and such Common School Marshals shall receive for the services by law required of them, a sum not exceeding in the aggregate, five hundred dollars per annum, which, within this limit, shall be determined and apportioned by the Board of Education, and the demands of said Common School Marshals shall be approved and audited in the same manner as the demands of teachers in the common schools for wages, and when so approved and audited shall be paid out of the School Fund.

Compensation.

SEC. 3. The Board of Education shall have power to provide for the taking care and the cleaning of school rooms and school houses, at an expense not exceeding twenty-five hundred dollars per annum; for supplying the schools with water at an expense not exceeding seven hundred and fifty dollars per annum; for lighting school rooms, at an expense not exceeding twelve hundred dollars per annum, and for procuring the necessary blanks, blank books and printing for the Superintendent of Common Schools and the said Board, at an expense not exceeding five hundred dollars per annum, and shall be allowed for the incidental expenses of said Board a sum not exceeding one hundred dollars per annum. The demands accruing under the provisions of this section shall be paid out of the school fund of the current fiscal year, after having been duly approved and audited as provided in case of demands payable out of the School Fund.

Board of Education.

To be paid from School Fund.

SEC. 4. Claims for wages or salaries of teachers in the Common Schools, and all other demands payable out of the School Fund, may be approved and audited by the proper officers, even though there should not at the time be money in the Treasury belonging to the School Fund for the payment of the same. *Provided*, That after such claims and demands, to the amount of ninety thousand dollars, have been approved and audited in any year, no other claims or demands upon said Fund shall be approved and audited for that year, unless there is money in the Treasury belonging to the School Fund for the payment thereof, and for the payment of all outstanding audited claims and demands upon the said Fund, approved and audited during such year. *And provided, further*, That no claim or demand, approved and audited agreeably to the foregoing provisions of this section, when there is no money in the Treasury belonging to the School Fund for the payment thereof, shall be a charge against or be paid out of any money in the Treasury belonging to the School Fund and derived from the revenues of any subsequent fiscal year or years; but if not paid during the fiscal year in which such claim or demand was approved and audited, the same shall be payable out of any moneys belonging to the School Fund and derived from delinquent school taxes or other proper dues to the School Fund of the year during which such claim or demand was audited. *And also provided*, That any such claim or demand upon the School Fund, not audited during the fiscal year in which it accrued, because there was no money in the Treasury belonging to the School Fund for the payment of the same, may be audited whenever there shall be money in the Treasury belonging to the School Fund and derived from the delinquent school taxes, or other proper dues to the School Fund, of the fiscal

Claims approved and audited.

To what extent allowed.

Demands for one year not to be paid from revenues of subsequent years.

year during which the same accrued, and out of such money such claim or demand so audited shall be payable. And no claim or demand upon said School Fund, approved and audited in any fiscal year after claims and demands upon said Fund have for and during such year been approved and audited by the proper officers, to the amount of ninety thousand dollars, when there is no money in the Treasury belonging to said Fund for the payment of the same, shall ever be a charge against any fund in the Treasury, or against the City and County of San Francisco. The Auditor shall state, by endorsement upon every claim or demand audited under the provisions of this section, the particular fund or moneys out of which the same is payable, and that it is payable from no other source.

Auditor to audit claims specified.

SEC. 5. The Auditor is hereby empowered to audit the claims for wages or salaries of teachers in the Common Schools, and all other lawful demands upon the School Fund, for the months of February, March and April, A. D. 1857.

CHAPTER CCXXV.

AN ACT

To fix the compensation of certain officers in the Counties of Santa Clara, Santa Cruz, Sonoma, Monterey, Mariposa, Butte, Colusi, Napa, Yolo, San Joaquin, Alameda and Yuba.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Salaries of
County Judges
in Santa Clara
and Sonoma.

Santa Cruz.

Mariposa.

Yuba.

Monterey.

Colusi.

Dist. Attorneys,
Santa Clara and
Santa Cruz.

Sonoma and
Colusi.

Monterey and
Yolo.

SECTION 1. The County Judges of the counties of Santa Clara and Sonoma, each, shall receive for his services, annually, the sum of fifteen hundred dollars; and the County Judge of Santa Cruz for his services, annually, the sum of eight hundred dollars; the County Judge for the county of Mariposa for his services, annually, the sum of three thousand six hundred dollars; and the County Judge of the county of Yuba for his services, annually, the sum of three thousand dollars; and the County Judge of Monterey county for his services, annually, the sum of one thousand and two hundred dollars; and the County Judge of Colusi county for his services, annually, the sum of one thousand dollars. The District Attorney of the counties of Santa Clara and Santa Cruz, each, shall receive for his services, annually, the sum of three hundred dollars; and the District Attorney of the counties of Sonoma and Colusi, each, shall receive, annually, for his services the sum of six hundred dollars; and the District Attorney of the county of Monterey, and the District Attorney of Colusi county, each, for his services, annually, the

sum of seven hundred and fifty dollars; and the District Attorney of the county of Yolo, for his services, annually, the sum of five hundred dollars, besides their fees and per centage allowed by law. The Assessor and his Deputies, each, in the counties of Santa Clara, Santa Cruz, Napa, Alameda, Sonoma and San Joaquin, shall be allowed not more than five dollars per diem for his services whilst actually engaged in the assessment of the property of his county; but he shall receive no per diem whilst engaged in collecting poll or other taxes. The Sheriff (or Collector of Taxes) of the counties of Santa Clara, Sonoma, Napa, Alameda and San Joaquin, shall be allowed for collecting all taxes (except license-taxes, foreign miners'-taxes and poll-taxes,) the following rates on all moneys collected and paid over, namely: Three per cent. on the first ten thousand dollars; two per cent. on all over ten thousand dollars and under twenty thousand dollars; one and one-half of one per cent. on all over twenty thousand dollars and under fifty thousand dollars; and one per cent. on all over fifty thousand dollars. The County Treasurer of the counties of Santa Clara, Sonoma, San Joaquin, Napa and Colusa, shall be allowed for all moneys received and disbursed by them, two per cent. on the first fifty thousand dollars; one per cent. on all over fifty thousand and under one hundred thousand dollars; and one-half of one per cent. on all sums over one hundred thousand dollars. *Provided*, Nothing in this Act shall be construed so as to allow any officer a per centage on both receiving and disbursing.

Assessor of certain counties.

Sheriff of Counties named.

Treasurers of Counties named.

SEC. 2. All laws and parts of laws inconsistent with, and conflicting with the provisions of this Act, are hereby repealed.

SEC. 3. This Act is to take effect and be in force from and after the commencement of the next ensuing term of said officers.

When take effect

CHAPTER CCXXVI.

AN ACT

Amendatory of, and supplementary to, an Act entitled "An Act to Incorporate the City of Marysville," approved March third, eighteen hundred and fifty-seven.

[[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two, of Article two, is amended so as to read as follows:

Section two. The Mayor shall be elected by the qualified elec-

Election of Mayor.

tors of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

SEC. 2. Section twelve, of article two, is amended so as to read as follows:

Qualifications of
Electors.

Section twelve. No person shall be entitled to vote at any city election, or for any city officer, who is not a white male citizen, of the age of twenty-one years, or over, and who has not been a resident of the State six months, of the city thirty days, and of the ward in which he offers his vote at least ten days next preceding the election. *Provided*, That those who may remove with their families, from one ward to another, immediately prior to such elections, shall be entitled to vote in the ward to which they have removed. If any person, not having the legal qualifications of an elector, shall fraudulently vote, or fraudulently attempt to vote, at any election, such persons, on conviction thereof, shall be fined in any sum, not less than twenty, nor more than two hundred dollars. If any elector shall vote more than once, at any election, or shall knowingly hand in two or more tickets, folded together, or shall attempt to vote more than once, at the same election, he shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, or imprisonment in the County Jail for any period not more than six months.

SEC. 3. Section sixteen of article three is amended so as to read as follows:

Returns, when
made and
opened.

Section sixteen. The Inspectors of each ward, shall, within five days after such election, make sealed returns to the Clerk of the City, of the vote given for persons to fill the office of Mayor, Recorder, Treasurer, Clerk, Marshal and Assessor; such returns shall be opened and counted in the presence of the Common Council, and a certificate of election issued under their direction to the person receiving the highest number of votes for each of these offices

SEC. 4. Section nineteen of article two is amended so as to read as follows:

Vacancies, how
filled.

Section nineteen. Whenever a vacancy shall occur in the office of Marshal, Recorder, Alderman, Treasurer, Clerk or Assessor, by death, resignation, removal or otherwise, the Common Council shall forthwith order a special election to fill such vacancy, and shall give notice of the same, by publication, for not less than ten nor more than twenty days, in one or more newspapers published in said city; and it shall be the duty of the Mayor to issue his proclamation accordingly; the person so elected to fill any vacancy shall hold his office for the residue only, of the term of his predecessor, and until a Treasurer, Clerk, Marshal or Assessor can be elected. The Common Council shall have the power to appoint some one to act temporarily as Marshal, Treasurer, Clerk or Assessor.

SEC. 5. Section six of article three, is amended so as to read as follows:

Duties and fees
of officers.

Section six. The Common Council shall define the duties of the officers elected by them whose duties are not herein prescribed, and shall determine the fees and salaries of the officers elected by them under this Act, except as herein provided.

SEC. 6. Section six of article four is amended so as to read as follows:

Section six. It shall be the duty of the City Marshal to execute within the city, and return all processes issued and directed to him by the Recorder, Justice of the Peace, and all other legal authority within the city; to arrest all persons guilty of a "breach of the peace," or of a violation of any ordinance of the Common Council, and take them before the Recorder, or other legal authority within the city; to collect the taxes of the city, and all licenses, wharfage and landing dues, or other taxes or assessments; and pay all moneys received by him into the City Treasury, in pursuance of the ordinance of the Common Council; to supervise and control the City Police; to attend the sittings of the Common Council; to discharge the duties of Chief of Police; and perform such other duties while in attendance upon the sittings of the Council, as may be directed by them; and to perform such other duties as may be prescribed by any resolutions or ordinances of the Common Council, or by the laws of this State.

Duty of Marshal

SEC. 7. Section eight of article four is amended so as to read as follows:

Section eight. The Recorder shall have jurisdiction over all violations of city ordinances, and may hold to bail, fine, or commit to prison, or the chain-gang, offenders, in accordance with the provisions of such ordinances; of all proceedings for the recovery of any penalty, fine or forfeiture, imposed by ordinance: *provided*, the amount thereof shall not exceed five hundred dollars; of all cases of misdemeanor, or willful injury to property, committed within the city limits, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding three months; and shall have final jurisdiction in all cases of petty larceny, and of assault and battery, not charged to have been committed on a public officer, or with intent to commit a felony; *provided*, in all such cases, the defendant shall have the right of trial by jury. He shall exercise the powers of a Justice of the Peace in regard to public offenses committed within the city limits, subject to all the rules governing Justices of the Peace in the aforesaid cases. He may issue all writs and processes, and administer all oaths necessary to the exercise of the jurisdiction hereby conferred. The place of holding said Recorder's Court shall be designated by ordinance. The Recorder shall receive for his services a salary of two thousand dollars per annum, payable quarterly; and all moneys collected by him for fines and fees shall be paid by him into the City Treasury, at the end of each week. The Marshal, or other peace officer, for making an arrest under a warrant may receive two dollars, together with twenty cents for every mile necessarily traveled by him in rendering such service, and in taking the prisoner before a court or magistrate, or carrying him to prison. For serving a subpoena, fifty cents, with twenty cents for every mile necessarily traveled by him in making such service. Whenever the Marshal, or other peace officer mentioned in this Act, receives a salary from said city, he shall account for and pay over to the Treasurer of said city all fees collected by him under this Act for services as such peace officer.

Jurisdiction of Recorder.

Proviso.

Court, where held.

Fees of Marshal.

Salary allowed.

SEC. 8. Section nine of article four is amended so as to read as follows:

Section nine. It shall be the duty of the City Treasurer to receive all moneys belonging to the city, to keep an account of all

Duty of Treasurer.

receipts and expenditures, in such manner as the Common Council shall direct; and he shall, whenever required by resolution of the Common Council, present to them a full account of such receipts and expenditures for any period designated in the resolution. All moneys drawn from the City Treasury shall be drawn in pursuance of an order of the Common Council, by warrant signed by the Clerk, and countersigned by the Mayor, or President of the Council; and such warrants shall specify for what purpose the amount designated therein is to be paid. The City Treasurer shall receive as compensation for his services one per cent. upon all sums of money actually received from the revenue of the city by him, except upon any amount or amounts that may be borrowed upon the faith and credit of the city. The City Treasurer shall discharge such other duties, without further compensation, as may be required by law, or any ordinance of the Common Council.

Compensation.

Other duties.

SEC. 9. Section eleven, of Article four, is amended so as to read as follows :

Duty of Assessor

Section eleven. It shall be the duty of the City Assessor to prepare, before the first Monday in August, in each year, a list of all taxable property, real and personal, within the city, with a valuation thereof; and a list containing the names and occupation of all residents within the city, who are tax payers, and furnish the same to the Common Council; which list, subject to the approval and correction of the Common Council, shall be the assessment roll and basis of taxation for said city. It shall be the duty of said Assessor, after said first day of August, to prepare a supplementary list, and furnish the same in like manner, to said Council. Within ten days after the reception of said list, or said supplementary list, the Common Council shall hold one or more meetings, for the correction of any errors in the said assessments; of which meetings notice shall be given in one of the newspapers published in said city, of at least five days; and no assessment roll shall be delivered to the Marshal, for collection of the taxes, until such meeting or meetings shall have been held. The Assessor, in making the assessment for said city, shall have authority to administer an oath, or affirmation, to all persons owning or having property within said city, subject to taxation; and it shall be the duty of said Assessor to administer an oath, or affirmation, to every male inhabitant over the age of twenty-one years, residing within said city, and to every other person whom he shall have cause to believe to be the owner, or have possession, or control of any taxable property in said city, as to the amount, valuation, nature and character of the property owned, held and possessed by him, or her, or under their control. The Assessor of the city shall receive, for compensation for his services, the sum of one thousand dollars per annum.

Council meet to correct errors. Notice.

Further duty and power of Assessor.

Salary.

SEC. 10. Section one of article five is amended so as to read as follows :

Commencement of fiscal year.

Section one. The fiscal year of the city shall commence on the first day of April, of each year. The lien of the city for taxes, for municipal purposes, shall attach on all real and personal property, on the first day of May, annually; and such lien, to the absolute exclusion of all other liens, shall continue until all such taxes thereon shall be paid.

Sec. 11. 'Section two of article five is amended so as to read as follows:

Section two. Every assessment and every levy of taxes, duly made for any purpose, in conformity with the spirit and provision of this Act shall remain as a judgment and lien, and have the force and effect of an execution against the party and property liable for the same; and the Marshal is hereby empowered and required to seize and sell, at any time, except as provided in the following section. Whenever any assessment or tax, for any purpose, is due and unpaid, any property on which the assessment or taxes shall not have been paid, may be sold therefor, by giving ten days notice in the official newspaper published within said city, designating the time and place of sale, and the name of the owner of such property, when known, and when not known stating such fact, as also a description of the property so seized, and where situated, which said notice shall also be posted in three public places in the ward in which the property is situated. If said property be real estate it shall be sold at the City Hall, between the hours of ten o'clock, A. M. and four o'clock, P. M., and if personal property, it shall be sold, between the same hours, in the ward where it was so seized. The purchaser or purchasers of all or any property sold for the payment of any assessment or tax levied under this Act, shall acquire and enjoy all the rights and privileges which are given by the laws of this State, to purchasers of real and personal property, under the Sheriff's sale for the payment of delinquent taxes, except as otherwise provided in this Act. The City Marshal shall have all powers in collecting any assessments and taxes, and in selling real or personal property, of defaulting or delinquent tax payers, as are now possessed by the Sheriff in collecting State and County taxes, and shall receive the same compensation as the Sheriff for similar services, except as otherwise provided by this Act.

Persons liable
for taxes.

Unpaid taxes.

Powers and
compensation of
Marshal.

Sec. 12. Section three of article five is amended so as to read as follows:

Section three. Real estate shall not be sold for the payment of the general tax, levied under the provisions of sub-divisions two, three and four, of section seven of article three of this Act, before the third Monday of October, in each year.

Real estate,
when sold for
general taxes.

Sec. 13. The Common Council shall have power, within the city, to provide for the draining, grading, paving, improvement, repairs and lighting of the streets, and the construction of sidewalks, drains and sewers, and keeping the same in repair; and the repairing of drains and sewers, and the prevention and removal of obstructions on the sidewalks, and on all streets and public grounds of the city, at the charge of the city; and also to provide for the owners of the land on both sides of any street, alley or public grounds in said city, keeping in good condition and repair, at their own charge and expense, all sidewalks now constructed, or hereafter to be constructed, in such manner as the Common Council may direct, and to provide for enforcing such repairs. And the Common Council shall have power to regulate the landing and stationing of steamers, vessels, and boats; and to fix and collect a revenue tax, landing or mooring license, or dues, for the landing and mooring of such steamers, vessels and boats within the city

Powers of
Council.

limits, whether on private or public property. Subdivisions six and eight of section seven of article three are hereby repealed.

Salary of Chief Engineer.

SEC. 14. The salary of the Chief Engineer of the Fire Department shall not exceed the sum of six hundred dollars per annum.

Yuba river, how far navigable.

SEC. 15. So much of the Yuba River as lies between its mouth and a point at the west end of the public plaza in the city of Marysville, is hereby made and declared navigable. So much of section one of an Act entitled "An Act declaring certain rivers and creeks navigable," passed February eighteenth, eighteen hundred and fifty-one, as conflicts with this section, is hereby repealed.

CHAPTER CCXXVII.

AN ACT

Authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Sum set apart.

SECTION 1. A sum not exceeding four hundred and ten thousand dollars is hereby appropriated and set apart as a "War Fund," payable out of any moneys which may be appropriated by Congress to this State, to defray the expenses incurred in the suppression of Indian hostilities, as specified in this Act.

Board of Examiners.

SEC. 2. The Treasurer, Controller, and Quartermaster General of this State are hereby constituted a Board of Examiners, and are authorized and required to examine and audit accounts for claims for services rendered and supplies furnished for the expedition against the Indians in Siskiyou County, for the year A. D. one thousand eight hundred and fifty-five. *Provided*, The same do not exceed the sum of fourteen thousand dollars. Also for services rendered and supplies furnished for the expedition against the Indians in Siskiyou County, for the year A. D. one thousand eight hundred and fifty-six. *Provided*, The same do not exceed the sum of two hundred thousand dollars. Also for services rendered and supplies furnished in the expedition against the Indians in Klamath County, for the year A. D. one thousand eight hundred and fifty-two. *Provided*, The same do not exceed the sum of ten thousand dollars. Also for services rendered and supplies furnished and property destroyed in the Indian war, in the year A. D. one thousand eight hundred and fifty-five, in the Counties of Humboldt and Klamath. *Provided*, The same do not exceed the sum of one

For expedition in Siskiyou in 1855.

For 1856.

Klamath in '52.

Indian war in '55 in Humboldt and Klamath.

hundred and ten thousand dollars. Also for services rendered and supplies furnished for the expedition against the Indians in the County of Tulare, for the year A. D. one thousand eight hundred and fifty-six. *Provided*, The same do not exceed the sum of ten thousand dollars. Also for services rendered and supplies furnished for the expedition against the Indians in the County of Sutter for the year A. D. one thousand eight hundred and fifty. *Provided*, The same do not exceed the sum of five thousand dollars. Also, for services rendered and supplies furnished for the expedition against the Indians in the County of San Bernardino, for the year A. D. one thousand eight hundred and fifty-five. *Provided*, The same do not exceed the sum of one thousand dollars. Also for services rendered and supplies furnished for the expeditions against the Indians in the County of Nevada, for the years A. D. one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one, and for property destroyed by the Indians in said Nevada County, during said years. *Provided*, The same do not exceed the sum of twenty thousand dollars. Also for the expeditions, wars and depredations in Los Angeles County, from the year one thousand eight hundred and fifty-two to the year one thousand eight hundred and fifty-five. *Provided*, The sum does not exceed twenty thousand dollars. Also for the expeditions, wars and depredations in Yuba County, since the first day of January, A. D. one thousand eight hundred and fifty. *Provided*, The same does not exceed the sum of twenty thousand dollars. A. J. F. Phelan is hereby appointed a Clerk of said Board of Examiners.

Tulare in 1856.

Sutter in 1850.

San Bernardino in 1855.

Nevada, 1850 and 1851.

Los Angeles, 1852 to 1855.

Yuba, since '50.

Clerk of Board.

SEC. 3. Such liabilities as have been incurred, and shall be allowed under the provisions of this Act, shall be paid in bonds, made payable out of any money hereafter to be appropriated by Congress for the payment of such expenses.

Liabilities

SEC. 4. The State Treasurer is hereby authorized and required to cause suitable bonds to be provided for said payments, in sums of one hundred, two hundred, five hundred, and one thousand dollars each, and the said bonds shall specify upon their face, the fund out of which they shall be paid.

Treasurer to provide Bonds.

SEC. 5. All such bonds shall be signed by the Treasurer, and countersigned by the Controller, in their official character, made payable to and indorsed by the Governor, who shall affix the seal of State thereto; which bonds duly issued as aforesaid, shall be transferable by assignment by the owner thereof, or by his attorney in fact. If it should happen that a claim or fractional claim of less than one hundred dollars shall be audited by said Board of Examiners, then said Board shall issue to the claimant or his attorney, a certificate of such fractional amount.

How signed and countersigned.

SEC. 6. After the said bonds shall have been countersigned by the Controller, it shall be his duty to make a register of the same, in a book to be kept for that purpose, and deliver them to the Treasurer, charging him with the same. The Treasurer shall also keep a register of such bonds.

Controller and Treasurer to keep register

SEC. 7. Any and all moneys which may be appropriated by Congress for the payment of expenses incurred in the suppression of Indian hostilities in the State, as specified in this Act, are hereby set apart and pledged for the payment of the bonds provided to be issued by this Act.

Moneys set apart

Expenses of
bonds.

SEC. 8. The Treasurer is hereby authorized to defray such expenses as may be incurred in procuring blanks for said bonds. *Provided*, That they do not exceed the sum of five hundred dollars, to be paid out of any moneys in the Treasury not otherwise appropriated.

Sessions of
Board.

SEC. 9. Said Board of Examiners shall hold their sessions from time to time, as may be necessary for the proper transaction of the business, and shall report to the Governor, on or before the fifteenth day of December next.

CHAPTER CCXXVIII.

AN ACT

To amend Section Five of an Act entitled "An Act concerning the Office of Surveyor General."

[Approved April 25, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of an Act entitled "An Act concerning the office of Surveyor General," passed April seventeenth, A. D. one thousand eight hundred and fifty, is hereby amended so as to read as follows:

Surveyor
General.

Section five. When required by law, he shall survey, and when necessary, designate by plainly visible marks or monuments, and shall describe on the map of the State the boundary lines of the several counties and incorporated cities and towns in the State, and when a boundary line of the State or of any county intersects with or passes in the immediate vicinity of the coast or of any lake, stream, range of hills or mountains, or other conspicuous object on the surface of the earth, he shall, by the proper observations, determine the place of such intersection, or the distance and bearing from the said boundary line of such point of said object, as may be nearest to said boundary line, and will best serve as a distinguishing landmark; he shall also determine and describe on the map of the State the length and course of every important stream and lake, and of every important range of hills or mountains, and the greatest elevation or highest peak thereof, within the limits of any county. When called upon by the county authorities of any county, he shall run any boundary line, or portion of a line, between such county and an adjoining county at the expense of such county or counties requiring the same.

CHAPTER CCXXIX.

AN ACT

Amendatory of and supplementary to An Act to incorporate the City of Sacramento, passed March, 1851.

[Approved April 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighteen of said Act is hereby amended so as to read as follows:

Section eighteen. In the public streets already laid out by lawful authority, opened and graded within the limits of the City of Sacramento, or which shall hereafter be laid out, opened and graded, as provided in this Act, the paving, planking, sewerage and repairs of every kind, shall be assessed upon and done at the equal expense of the adjacent lots on each side of said streets, each distinct and separate owner being at liberty and being required, under the direction of the Mayor of the City, to do or cause to be done at his own expense, the work, repairs and improvements in front of his own premises to the center of the street. The expense of all such work, improvements and repairs upon each street crossing, or the space formed by the junction of two or more streets, shall be assessed with equality upon each quarter block adjoining and cornering upon the same, each distinct lot or part of a lot included in such quarter being separately assessed for its equal proportion. For that purpose all the blocks shall be considered as divided into quarters, by straight lines running through the centers of them, and running parallel with each of the streets bounding said blocks. In cases where the blocks are of irregular shape, and not bounded by parallel streets, so that they cannot be equally divided in that manner, the expense of constructing and repairing crossings, or that portion of them adjacent to such irregular shaped blocks, shall be assessed as aforesaid, with equality upon the lots in the whole block. The space formed by the junction of two streets terminating at the same point, if such a case should occur, shall be planked, paved and kept in repair at the equal expense of the lots fronting thereon, and the contiguous quarter block. Where any street is located, but not yet graded, the Common Council, when they shall deem it expedient, may order the whole or any portion thereof to be graded, after notice of their intention published in some daily newspaper printed in said city, for the period of ten days, unless the owners of one-third in extent of frontage of lands and lots, bounded on such street or portion of a street so proposed to be graded, shall have made written objection thereto, and delivered the same to the Clerk of the Common Council within the said period of ten days.

Improvement
and repairs of
streets.

Of street
crossings

Blocks.

Irregular blocks

Council to give
notice of intention
to grade
streets.

If the owners of more than two-thirds in extent of frontage of land and lots fronting on any street or portion of a street not yet

Owners of land
desire streets
opened and
graded.

graded, or their duly authorized agent, shall petition the Common Council, in writing, to open and grade the same, the signatures of the petitioners being verified by their acknowledgment before a Justice of the Peace, in the form required by law for the acknowledgment of deeds, the Common Council shall order the same to be done; but in such case they may receive and consider remonstrances for the purpose only of ascertaining whether the petitioners truly comprehend more than two-thirds of the said owners, as in this section required. No order or permission shall be given to grade any street or portion of a street without extending and completing such grading throughout the whole breadth of such street up to the boundary of the sidewalk thereof. The total amount of the expense of grading any street, or portion of a street, under the provisions of this Act, shall be assessed upon and borne with absolute equality by all the lands fronting thereon, and in proportion to the frontage, at a rate per foot sufficient to cover such total expense of the work; and the contract therefor, and also all contracts for work authorized to be done upon street crossings, shall in all cases be given to the lowest bidder offering adequate security, and shall be given without security to the owners of the lands and lots, or of the greater part thereof in extent of frontage, which are liable to be assessed therefor. *Provided*, They offer to take the same at as low a rate as any others offering adequate security. And if the owner or owners of any lot, or part of a lot, shall have filled, in whole or in part, the street opposite thereto, at his or their own expense, such owner or owners shall be entitled to an allowance therefor upon his or their assessment, at the same rate per cubic yard as shall be paid for filling such street, whenever for that purpose an assessment shall be made. Before giving out any such contract, the Common Council shall cause notice to be conspicuously posted at the door of the Council Chamber, and inserted in one of the daily newspapers published in said city, for a period of ten days, inviting sealed proposals for the work contemplated, to be handed in, sealed, to the Common Council, who shall open, examine, and publicly declare them in open session, and thereupon the contract shall be awarded at the lowest price offered, according the provisions of the next preceding section. *Provided*, That the lot owners, or the major part, as specified in said section liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days after such award, elect to take the contract for the price it has been awarded at. The Mayor shall be authorized, in his official character, to enter into written contracts for work upon streets and street crossings, ordered to be done and awarded or taken by the said owners, according to the provisions of this article.

Rate of assessment. The assessment for all improvements on street crossings or space formed by the junction of two or more streets, shall be taken from the assessment roll of the year in which the improvements are made, and the value of the land shall be only assessed for such purpose.

Allowance to owners of lots for work done. When required by the Mayor, the Assessor shall make a list, which shall state value, per centage, or assessment per foot, as the case may require, for each separate parcel of land liable for improvements made or about to be made, a duplicate of which shall be handed to the Clerk of the Common Council and Treasurer, on receipt of which the Treasurer shall cause a copy to be published

Notice for sealed proposals.

Authority of Mayor to make contracts.

Assessments.

List of Assessor to state.

in some daily newspaper for five successive days; also stating when such assessment will become due, and that he will be ready on that day to receive such taxes; at the end of twenty days after such taxes shall become due and payable, the Treasurer shall make a return to the Mayor of all such taxes as may remain unpaid; thereupon the Mayor shall issue his warrant, directed to the Tax Collector, briefly setting forth the delinquent assessment or assessments remaining unpaid, the names of the owner or owners, if known, and an accurate description of the property liable therefor, and commanding the Tax Collector to collect the amount of such delinquent assessment remaining unpaid, with such fees as are allowed, and in the manner provided for the collection of delinquent taxes or assessments in the Act to which this Act is amendatory.

Delinquent
taxes.

CHAPTER CCXXX.

AN ACT

To prohibit Gaming.

Approved April 27, 1857.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Every person who shall deal, play, carry on, open, or cause to be opened, or who shall conduct, either as owner or employee, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noir, or any banking game played with cards, dice, or any other device, whether the same be played for money, checks, credit, or any representative of value, shall be guilty of felony, and on conviction thereof shall be punished by imprisonment in the State Prison for a term not exceeding two years, and by fine not exceeding five thousand dollars.

Games
prohibited

Penalty of
violating Act.

SEC. 2. Every person who shall bet, hazard, or play money, checks, or anything of value, against said games mentioned in the previous section, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not exceeding five hundred dollars, and imprisoned in the County Jail not exceeding six months.

Persons guilty of
misdemeanor.

SEC. 3. No person, otherwise competent as a witness, shall be disqualified from testifying as a witness, either before a grand or petit jury, concerning the offenses mentioned in the foregoing sections, on the grounds that his testimony may criminate himself, but such testimony shall be reduced to writing, and no indictment or prosecution shall afterwards be brought against him for said offenses, concerning which he has testified as a witness.

Competent
witnesses.

Dist. Attorney's
fees.

SEC. 4. The District Attorneys of the various counties of the State shall receive one hundred dollars for every conviction under this Act, to be collected out of the property of the party so convicted.

Persons allowing
games to be
played in their
houses.

SEC. 5. Every person who shall knowingly permit any of the games mentioned in the first Section to be played, conducted or dealt in any house owned by him or her, in whole or part, or rented by him or her, in whole or part, shall be guilty of a misdemeanor, and on conviction shall be fined five thousand dollars, and imprisoned in the County Jail six months.

CHAPTER CCXXXI.

AN ACT

Amendatory of, and supplementary to, an Act entitled "An Act for the Better Protection of the State Treasury," approved April 16th, 1856.

[Approved April 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an Act entitled "An Act for the better protection of the State Treasury," is hereby amended so as to read as follows:

Duty of Board.

It shall be the duty of the said Board, as often as it may be deemed proper, to examine the books of the Controller and the Treasurer, the accounts and vouchers in their office, and to count the moneys in the Treasury belonging to the various funds; and for the purpose of discharging the duties imposed on it by this Act, the said Board is authorized to demand, and the Controller and Treasurer are hereby required to furnish the said Board, without delay, such information as it may demand, touching the books, papers, vouchers, or other matters pertaining to or cognizable in their offices respectively. *Provided*, That the counting of the moneys in the Treasury shall take place at least once a month, without the said Board giving the Treasurer any previous notice of the hour or day of the said counting.

Authority.

Majority, power
to act.

SEC. 2. Section six is hereby amended so as to read as follows: A majority of said Board shall be competent to discharge the duties imposed on said Board by this Act, and each member thereof shall be authorized to administer oaths or affirmations; and said Board, once in each month, shall file in the office of Secretary of State, a statement, under oath, of the amount of moneys in the State Treasury, as found by them after actually counting the same,

and said statement shall be published in one daily newspaper published at the State Capital.

SEC. 3. Any violation of the duties imposed upon the Board of Violation of duty Examiners by this Act, or by the Act of which this is amendatory, by any member or the members thereof, shall be deemed a felony, and shall subject them to the same punishment, suspension and forfeiture, as is provided by section five of the said original Act.

SEC. 4. Whenever the said Board shall have reason to believe, or shall be informed that the Controller, with or without its approval, has drawn or is about to draw his warrant, without authority of law, or for a larger amount than the State actually owes, it shall be the duty of said Board to notify the Treasurer of the State Treasurer, when prohibited from paying Controller's warrants. not to pay said warrant so drawn and registered, or to be drawn; and thereupon the Treasurer shall be, and hereby is, prohibited from paying said warrant, whether already drawn, or when thereafter drawn, until he shall be otherwise directed by the Legislature.

CHAPTER CCXXXII.

AN ACT

To authorize the Sale of certain Real Estate by Guardian.

[Approved April 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The guardian of Jose Francisco de Salpha Knight, Owners of land. Gregoria Knight, Leonora Knight, Guillermo Knight, Victoriana Knight and Aldianita Knight, infant heirs of the estate of William Knight, deceased, is hereby authorized to sell at public or private sale, for the purposes hereinafter mentioned, an undivided interest of each one of said heirs in the tract of land in the County of Yolo, known as the "Rancho de Carmel." The aggregate of such sales not to exceed in quantity two and one-third leagues of land.

SEC. 2. Before any sale as above shall be made, it shall be the Duty of Guardian before making sale. duty of the guardian of said infant heirs to ascertain the amount of taxes due upon the real estate of said heirs, and what sum or sums will be required to redeem or discharge the said land from tax sale or sales heretofore made, and also to ascertain the expense of prosecuting the claim of said estate to the land aforesaid, and when so ascertained the guardian shall report the same to the Judge of Probate of said county. If the sum or sums of money required for such purposes are reasonable and agreed to by all parties interested in said estate, the Judge shall allow the same; and if in his opinion it would be to the interest of said heirs that said

real estate should be sold to pay and liquidate the amounts so allowed, and if all parties interested in said estate shall consent to the same, the said Judge shall order a sale as aforesaid, and in such order shall distinctly direct how the property shall be sold. After such sale the guardian shall report the same to the Probate Court, and if the Judge thereof shall be of opinion that the land has been sold for a fair compensation, he shall make an order confirming such sale or sales, and directing the guardian to execute deeds for the property sold.

Deeds to convey
all title of heirs.

SEC. 3. The deed or deeds made under this Act shall convey to the purchaser or purchasers, such title as the heirs and each of them have now or may hereafter have in and to the land described by such deeds. No sale under this Act shall be valid until the same shall be approved by the Probate Court of Yolo County, and the guardian shall be liable on his official bond for the faithful application of all money received from any sale authorized by this Act.

CHAPTER CCXXXIII.

AN ACT

Relative to Publishing in the Counties of Santa Barbara and San Luis Obispo.

[Approved April 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Written notices
sufficient
publication.

SECTION 1. In all cases where it is or may be by law required, that publication in any way be made of any notice, act, step, proceeding or other thing whatsoever, it shall hereafter be deemed sufficient publication in the counties of Santa Barbara and San Luis Obispo, to post written copies of the same at such and so many public places in said counties as the Board of Supervisors in and for said counties may severally, by an order to that effect entered upon their minutes, designate, whether any newspaper be published within the said counties or any adjoining counties or not, and publication by such posting shall be deemed as valid to all intents and purposes as if made by printing in any newspaper. *Provided, nevertheless,* That any Magistrate, Court, Board or officer whose duty it may be to require any such notice, act, step, proceeding or thing to be published, may in his or their discretion, direct publication to be made by printing in some newspaper within or without said counties.

Proviso.

Repeal.

SEC. 2. All laws or parts of laws, conflicting in any way with the provisions of this Act, are, as regards the Counties of Santa Barbara and San Luis Obispo, repealed.

CHAPTER CCXXXIV.

AN ACT

To authorize the Board of Supervisors of the City and County of San Francisco to allow, confirm, and direct the Auditing of certain Claims therein mentioned.

[Approved April 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the City and County of San Francisco, are hereby authorized to ascertain and fix the just compensation, which shall not exceed, in the aggregate, the sum of five thousand (5,000) dollars, to be allowed to the counsel, J. P. Hoge and William Duer, employed by the City of San Francisco, to defend the suits brought against said city by the purchasers of the city slip property. Compensation of Counsel.

SEC. 2. The said Board of Supervisors shall also have power to confirm and carry into effect, on the part of said city and county, the contract entered into on behalf of said city and county by the Justices of the Peace, acting as Supervisors, with Fletcher M. Haight. And upon the fulfillment of the same on the part of said Fletcher M. Haight, to approve his demand on the Treasury for compensation for any amount, not exceeding the sum in said contract specified. And the said Board of Supervisors shall also have like power to authorize, and the Auditor to audit and allow the payment, out of the General Fund, of the compensation of the present Assessor and his Deputies, for services rendered prior to the eighteenth (18th) day of April, A. D. 1857. And the said Board of Supervisors are further authorized and required, and the Auditor to audit and allow the payment of the claim of the prosecuting attorney of the Police Judge's Court, William M. Zabriskie, at the rate of twenty-five hundred dollars per annum, out of the General Fund, for services rendered the said city and county prior to the period above-mentioned. Supervisors' powers to confirm contract
Claim of Assessor for certain services.
Prosecuting Attorney.

SEC. 3. The compensation to counsel to be fixed or allowed under the provisions of the two preceding sections, shall be paid out of the General Fund of said city and county, upon demands on the Treasury thereof, to be presented, approved, and allowed like other similar demands. Out of what fund paid.

SEC. 4. The Board of Supervisors of the City and County of San Francisco, are hereby empowered to allow, and the Auditor of said city and county to audit the legal demands which have not been audited heretofore, against the city and against the County of San Francisco, for the fiscal year ending on June 30th, 1856. And such demands, when allowed and audited according to the provisions of this section, shall be received at their par value, in payment of any and all delinquent taxes due the said city or county prior to July 1st, 1856. Demands to be allowed and audited.

Sum to be paid
to Engine Co.

SEC. 5. That the Treasurer of the City and County of San Francisco be, and he is hereby authorized and required to pay to the Trustees of the company known as the "Tiger Engine Company," of the Fire Department of said city, the sum of thirty-eight hundred dollars, out of any money in his hands, to the credit of the Fire Bond Fund, whenever such payment shall be ordered by the Board of Supervisors of the said city and county; and the Auditor of the said city and county is hereby authorized and required to audit and allow such order.

Trustees to give
bond.

SEC. 6. The Trustees of said company shall, before receiving the said money, file with the Treasurer of the said city and county, a bond for the sum of ten thousand dollars, with sureties to be approved by the President of the Board of Supervisors of said city and county, conditioned for the faithful expenditure of such money in the purchase of a lot, and the erection of a building thereon, for the use of said company as an engine house, and for the execution of a deed of conveyance of the said lot and building to the City and County of San Francisco, free from all liens, mortgages, and incumbrances.

CHAPTER CCXXXV.

AN ACT

Submitting to the People of El Dorado and Sacramento Counties a Proposition to appropriate Money for the Construction of a Wagon Road.

[Approved April 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sum to be
appropriated.

SECTION 1. At the next general election there shall be submitted to the voters in the counties of El Dorado and Sacramento, a proposition to appropriate, by each of said counties, the sum of twenty-five thousand dollars, for the construction of a Wagon Road from Sacramento County, through El Dorado County, to Carson Valley, in Utah Territory.

Ballots.

SEC. 2. The ballots shall contain either the words "For the Wagon Road," or "Against the Wagon Road," and if there be in each county a majority of votes cast for the Wagon Road, then the Boards of Supervisors of said counties shall levy and cause to be collected, a tax not exceeding one-fourth of one per cent. upon all the taxable property in the respective counties, sufficient to create the amount hereby allowed to be appropriated.

Tax.

Commissioners'
compensation.

SEC. 3. The Supervisors of said counties shall appoint, each, one Commissioner, who shall receive such reasonable compensation,

not exceeding one thousand dollars to each Commissioner, to be paid out of the amount hereby appropriated, as may be allowed by the Supervisors; who, together with a third Commissioner, chosen by themselves, shall, under the direction of said Board of Supervisors, proceed to lay out and construct said Wagon Road, in such manner and through such route as the said Supervisors may direct. Duty of Commissioners.

Sec. 4. Fifteen days after the election, if a majority of the votes cast in each county shall be in favor of levying such tax, the Boards of Supervisors of each county shall meet at the town of Folsom, and organize as a single Board, for the purpose of devising means and establishing plans to construct said road; and from and after that time they shall have full power to meet on their own adjournment, and transact such business, according to such rules, as they may prescribe. *Provided*, A majority of each Board shall constitute a quorum to do business. Supervisors.

Sec. 5. The Commissioners shall, under the direction of the Supervisors, give out, by contract, to the lowest bidder, the construction of said road, by sections, or for the whole extent thereof. Advertisements for proposals shall be made for at least two weeks, in a newspaper published in Sacramento city, and a newspaper published in El Dorado County, stating the place where, the time when, and the terms on which proposals will be received and contracts entered into for constructing said road. Contracts.

CHAPTER CCXXXVI.

AN ACT

To regulate Fees in Office in certain Counties of this State.

[Approved April 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In the Counties of Sonoma, Santa Clara, San Mateo, Napa, San Joaquin, Los Angeles, Contra Costa, Sacramento, Alameda, Humboldt, Colusa, Santa Cruz, Santa Barbara, San Luis Obispo and Monterey, such fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand and receive the same. Counties.

FEES OF NOTARY PUBLIC.

Sec. 2. For drawing and copying every protest for the non-payment of a promissory note, or for the non-payment or non-accept-

ance of a bill of exchange, draft or check, one dollar and fifty cents. For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft, or check, one dollar. For recording every protest, one dollar. For drawing an affidavit, deposition, or other paper, for which provision is not herein named, for each folio, twenty cents. For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for the first signature, one dollar, and for each additional signature, twenty-five cents. For administering an oath or affirmation, twenty-five cents. For every certificate to include writing, the same, and the seal, one dollar.

FEEES OF CLERK OF THE DISTRICT COURT.

Clerk of District
Court.

SEC. 3. For entering each suit on the Clerk's Register of Actions, and making the necessary entries therein during the progress of the trial, for each folio, twenty cents. For issuing every writ or process under seal, fifty cents. For issuing subpoena for one or more witnesses, twenty-five cents. For filing each paper, twenty-five cents. For entering every motion, rule, order or default, twenty-five cents. For entering every discontinuance, dismissal, or nonsuit, twenty-five cents. For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty-five cents. For calling and swearing every jury, fifty cents. For receiving and entering each verdict of a jury, fifty cents. For entering every final judgment for the first folio, one dollar; for each subsequent folio, twenty cents. For filing judgment roll, twenty-five cents. For entering judgment on judgment docket, twenty-five cents. For entering satisfaction of judgment, fifty cents. For administering every oath or affirmation, twenty-five cents. For certifying every oath or affirmation, twenty-five cents. For copy of any proceeding, record of paper, for each folio, twenty cents. For every certificate under seal, fifty cents. For searching the files of each year in his office, (but not to charge suitors or attorneys,) fifty cents. For issuing every commission to take testimony, fifty cents. For taking down testimony of witnesses during the trial, for each folio, twenty cents, to be paid by the party requiring the same. For issuing every execution or other final process, fifty cents. For issuing every decree or order of sale of mortgaged property, fifty cents. For issuing writ of injunction or attachment, fifty cents. For entering judgment by confession, the same fees as in other cases of entering judgment. For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents. For taking each bond required by law, fifty cents. For taking justification thereto, fifty cents. For acknowledgment of deed or other instrument, including all writing and the seal, for the first name thereto, one dollar; and each additional name, twenty-five cents. When the Court is sitting as a Court of criminal jurisdiction he shall receive for the trial of each issue, where the charge is misdemeanor, three dollars. He shall receive no other fee for any service whatever in a criminal action or proceeding, except for copies of papers, for each folio, twenty cents, for the trial of each issue where the charge is felony, five dollars.

FEES OF CLERK OF COUNTY COURT.

SEC. 4. For filing all the papers sent on appeal from Justices' Courts, in each cause, and making the necessary entries concerning the same, two dollars. For all other services, the same fees as are allowed in the District Court for similar services. Clerk of County Court.

FEES OF CLERK OF COURT OF SESSIONS.

SEC. 5. The Clerk shall receive the same fees as are allowed the Clerk of the District Court in criminal cases. Clerk of Court of Sessions

CLERK OF PROBATE COURT.

SEC. 6. For issuing letters testamentary, or of administration, fifty cents. For certificate of appointing appraisers, or guardians, fifty cents. For writing and posting notices when required, for each copy, fifty cents. For recording wills, per folio, twenty cents. For all other services, the same as are allowed the Clerk of the District Court for similar services. For notice given by publication, in addition to the cost of publication, fifty cents. Clerk of Probate Court.

FEES OF COUNTY RECORDER.

SEC. 7. For recording any instrument, paper, or notice, when required, for each folio, twenty cents. For copies of any record or paper, per folio, twenty cents. For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents. For making in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper or notice, twenty-five cents. For every certificate under seal to copies of papers or records in his office when required, fifty cents. For every entry of discharge of mortgage on margin of record, fifty cents. For searching records and files of each year in his office, when required, fifty cents. For abstract or certificate of title, when required, for each conveyance or incumbrance certified, twenty-five cents. For recording every town plat, for every course, fifteen cents. Figures and lettering plats and maps, per folio, fifty cents. For taking and writing acknowledgments, including seal, for the first signature, one dollar; and for each additional one, twenty-five cents. For filing and entering a minute of certificate of Sheriff's sale, fifty cents. For filing and entering a minute of certificate of tax sale, fifty cents. For recording marriage certificate, one dollar. For filing and keeping each paper not required to be recorded, and indorsing same if required, twenty-five cents. County Recorder

FEES OF SHERIFF.

SEC. 8. For serving a summons and complaint, or any other Sheriff's process by which an action or proceeding is commenced, on every defendant, one dollar. For traveling in making such services, per mile, in going only, to be computed in all cases from the court-house of the county, thirty cents. *Provided*, That if any two or more papers required to be served in the same suit, at the same time and in the same direction, one mileage only shall be charged. For taking bonds, or undertaking in any case in which he is authorized

Sheriff.

to take the same, fifty cents. For copy of any writ, process or other paper, when demanded or required by law, for each folio, twenty cents. For serving every notice, rule or order, fifty cents. For serving a subpoena, for each witness summoned, fifty cents. For traveling, per mile, in serving each subpoena or venire, in going only, but when two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant, thirty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with traveling fees as on a summons, one dollar and fifty cents; but no traveling fee shall be allowed on such attachment, order of arrest, or order for the delivery of personal property when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, one dollar and fifty cents. For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspaper, one dollar. For commissions for receiving and paying over money on execution or process when lands or personal property has been levied on, advertised and sold, on the first one thousand dollars, two per cent., and on all sums above that amount, one per cent. For commissions for receiving and paying over money on execution without levy, or when the land or goods levied on shall not be sold, two per cent. on the first thousand dollars, and one per cent. on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant by virtue of such execution in the same manner as the sum therein directed to be made. For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, three dollars. For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupant, five dollars. For travel in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, in going only, thirty cents. For attending when required on any court, in person, or by deputy, for each day, to be paid out of the County Treasury, three dollars. For bringing up a prisoner on *habeas corpus* to testify or answer in any court, or for examination as to the cause of his arrest and detention, or to give bail, fifty cents, and for traveling each mile from the jail, in going only, thirty cents. He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution, or other process, and of preserving the same as the court from which the writ or order may issue, shall certify to be just and reasonable. For holding each inquest, or trial of right of property, when required, to include all service in the matter except mileage, three dollars. For attending on Supreme Court, either in person or by deputy, to be paid out of the State Treasury, as other claims, for each day, five dollars. For making every arrest in a criminal proceeding, two dollars. For serving each subpoena in criminal proceedings,

fifty cents. For executing every sentence of death, twenty dollars. For summoning a grand jury of twenty-four, eight dollars. For summoning each trial jury of twelve persons, four dollars; for each additional juror, twenty-five cents. For service of any process in criminal cases, for each mile necessarily traveled, twenty cents; and the same mileage for taking prisoner before a magistrate, or to prison. In serving subpoena or venire in criminal cases, he shall receive mileage for the most distant only, where witnesses and jurors live in the same direction. For all service in Justices' Courts, the same fees as are allowed to constables in like cases.

FEE OF CORONERS.

Sec. 9. All services in summoning jury of inquest, three dollars. For swearing a jury, one dollar. For issuing a warrant of arrest, fifty cents. For issuing subpoena, twenty-five cents. For each mile necessarily traveled in going to the place of the dead body, twenty-five cents. Which fees, in all inquests, shall be paid out of the County Treasury, as other demands. For all services rendered by them, when acting as Sheriffs, the same fees as are allowed to Sheriffs for similar services. For swearing each witness, twenty-five cents. For taking down the testimony of each witness, per folio, twenty cents.

FEE OF CONSTABLES.

Sec. 10. For serving summons in a civil suit, for each defendant, one dollar. For summoning a jury before a Justice of the Peace, one dollar and fifty cents. For taking a bond required to be taken, fifty cents. For summoning each witness, twenty-five cents. For serving an attachment against the property of a defendant, one dollar. For summoning and swearing a jury to try the rights of property, and taking the verdict, two dollars. For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred. For collecting all sums on execution, two per cent., to be charged against the defendant in the execution. Constables shall receive, in serving summons, attachment, order, execution, venire, notice and subpoena, in civil cases, for each mile necessarily traveled, in going only, but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction, thirty cents. For serving a warrant or order for the delivery of personal property, or making an arrest in civil cases, one dollar. For service and trial in criminal cases, the same fees as Sheriffs for similar services. For all other services, except attending Court, the same fees as are allowed to Sheriffs for similar services.

FEE OF WITNESSES.

Sec. 11. For attending in any suit or proceeding, civil or criminal, before any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day, two dollars. For travelling to the place of trial, for each mile, twenty cents. No person shall be

obliged to testify in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same. For criminal cases, witness fees shall be taxed and paid as other costs; and no person shall be obliged, in a civil action or proceeding, to attend as a witness without the county in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF THE COUNTY AUDITOR.

County Auditor. SEC. 12. For filing Treasurer's receipts and issuing license, to be paid by the party, twenty-five cents.

FEES OF JUDGES AND CLERKS OF ELECTIONS.

Judges and
Clerks of
Elections.

SEC. 13. For each day's attendance at any general or special election, the Inspector, Judges and Clerks of Election, shall each receive two dollars, to be audited and paid out of the County Treasury, as other charges against the county.

FEES OF JUSTICES OF THE PEACE.

Justices of the
Peace

SEC. 14. For filing each paper, twenty-five cents. Issuing any writ or process by which suit is commenced, fifty cents. For entering each cause upon his docket, fifty cents. For subpoenas to each witness, twenty-five cents. For administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents. For each certificate, twenty-five cents. For issuing writ of attachment, or of arrest, or for the delivery of property, one dollar. For entering any final judgment, per folio, for the first folio, one dollar; for each additional folio, twenty cents. For taking and approving any bond or undertaking, directed by law to be taken or approved by him, twenty-five cents. For taking justification to a bond, fifty cents. For swearing a jury, fifty cents. For taking depositions, per folio, twenty cents. For entering satisfaction of a judgment, twenty-five cents. For copy of judgment, order, docket, proceedings, or paper in his office, for each folio, twenty cents. For transcript of judgment, per folio, twenty cents. For issuing commission to take testimony, one dollar. For issuing supersedeas to an execution, twenty-five cents. For making up and transmitting transcript and papers on appeal, two dollars. For issuing search warrant, one dollar. For issuing an execution, twenty-five cents. For celebrating marriage and returning certificate thereof to the Recorder, five dollars. For all service and proceedings before a Justice of the Peace in a criminal action or proceeding, whether on examination or trial, three dollars. For taking bail after commitment in criminal cases, one dollar. For entering cause without process, one dollar. For entering judgment by confession, and only on affidavit as required in the District Court, three dollars. For entering every motion, rule, order, verdict or default, twenty-five cents. For services as Associate Justice of the Court of Sessions, four dollars per day.

INTERPRETERS AND TRANSLATORS.

Interpreters and
Translators.

SEC. 15. Interpreters and translators may be allowed such com-

compensation for their services as the Court shall certify to be necessary and just, to be taxed and collected as other costs, but the same shall not exceed five dollars per day.

FEES OF COUNTY SURVEYORS.

SEC. 16. For the first mile actually run with compass and chain, three dollars; for each succeeding mile, two dollars. For each mile run with compass alone, one dollar and fifty cents. For each lot laid out and platted, in any city or town, one dollar and fifty cents. For recording a survey, one dollar. For calculating the quantity of each division made in a tract of land, town lots excepted, one dollar. For traveling to the place of survey, for each mile, in going only, thirty cents; the distance shall be computed from his place of residence or from where his office is kept to the place of survey; and if the County Surveyor shall be required and duly notified, verbally or otherwise, to make other surveys while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him; but if the distance shall be greater from the place last surveyed, where his services are required, he shall only be entitled to mileage from the county seat of the county in which he lives; and in no case shall constructive mileage be allowed. For ascertaining the location of every town lot in an old survey, and measuring and marking the same, two dollars. For copies and certificates, per folio, twenty cents. For erecting a monument at the corner of any survey, when required, one dollar. For copy of a plat of any survey, and certificate required by law, to be transmitted to the Surveyor General, one dollar; to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge, to be agreed upon between the parties.

FEES OF PROBATE JUDGE.

SEC. 17. For every order or judgment, when not contested, one dollar; when contested, two dollars.

SEC. 18. All Acts and parts of Acts in conflict or inconsistent with the provisions of this Act, so far as the same relate to the counties named in the first section of this Act, are hereby repealed.

SEC. 19. This Act to take effect and be in force from and after the first day of October, one thousand eight hundred and fifty-seven.

SEC. 20. The fees of Probate Judge shall be collected and paid on his salary as provided in section 39th, of an Act to regulate fees in office, approved April 10th, 1855; and Jurors shall be paid as provided in section 33d of the same Act; and the miscellaneous provisions and section 40th of said Act, shall apply to the counties herein named.

CHAPTER CCXXXVII.

AN ACT

To amend an Act entitled "An Act to authorize the formation of Corporations for the Construction of Plank or Turnpike Roads," passed May 12th, 1853.

[Approved April 26, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eighteenth of the Act of which this is amendatory and supplementary, is hereby amended so as to read as follows:

Powers granted.	All companies formed, or that may hereafter form and organize under the provisions of this Act, shall have full power to bridge any stream or river not navigable on their adopted route, and to determine all matters touching the construction of their road, including the width, and the manner and style in which the same
Proviso.	may be built. <i>But provided, always,</i> That such companies as have already organized, or that may hereafter organize, under the provisions of this Act, and the Act of which this is amendatory, shall only be allowed to put up and keep such toll-gates, demand, collect and receive such tolls, as may be fixed and prescribed by the Board of Supervisors of the county or counties through which such road
Gates and tolls fixed by Supervisors.	or roads may pass. Such gates and tolls to be fixed and prescribed by such Board of Supervisors as aforesaid, from year to year. And if any company or companies shall violate the provisions of this
Violation of Act.	Act, by putting up any toll-gate or gates, or by collecting any toll or tolls, except as may be fixed and prescribed by such Board of
Rights forfeited	Supervisors, as aforesaid, such company or companies shall forfeit all their corporate rights in such road or roads, turnpike or turn-
Subject to prosecution.	pikes, bridge or bridges, ferry or ferries, to the counties in which the same may be situated. Such company or companies may be prosecuted for such violation as aforesaid, before any Justice of the Peace in any township through which said road passes.

CHAPTER CCXXXVIII.

AN ACT

To provide for Fixing the Commencement of the Terms of Office in the County of Yuba.

[Approved April 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Sheriff, Treasurer, County Clerk, Recorder, Assessor, Surveyor, District Attorney, Supervisors and Superintendent of Common Schools, of the County of Yuba, shall continue to hold their respective offices until the first Monday in January, A. D. eighteen hundred and fifty-eight, and until their successors are elected and qualified. Present officers.

SEC. 2. The Sheriff, Treasurer, County Clerk, Recorder, Assessor, Surveyor, District Attorney, Supervisors and Superintendent of Common Schools, hereafter to be elected in the County of Yuba, shall enter upon the discharge of the duties of their respective offices, on the first Monday of January after their election, and shall hold their several terms of office commencing from such first Monday in January. Officers hereafter elected.

CHAPTER CCXXXIX.

AN ACT

To regulate Fees in Office in the County of Yuba.

Approved April 28, 1857.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Such fees are allowed to the officers hereinafter named, within the County of Yuba, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand and receive the same, and shall receive no other fees or charges, except as in this Act provided.

FEES OF NOTARY PUBLIC.

Fees of Notaries. SEC. 2. For drawing and copying every protest for the non-payment of a promissory note, or for the non-payment or non-acceptance of a bill of exchange, draft or check, two dollars. For drawing and serving every notice of non-payment of a promissory note, or of the non-payment or non-acceptance of a bill of exchange, order, draft or check, one dollar. For recording every protest, one dollar. For drawing an affidavit, deposition or other paper, for which provision is not herein named, for each folio, twenty cents. For taking an acknowledgment or proof of a deed or other instrument, to include the seal and the writing of the certificate, for each signature, one dollar. For administering an oath or affirmation, twenty-five cents. For every certificate, to include writing the same and the seal, one dollar.

FEES OF CLERK OF THE DISTRICT COURT.

Clerk of District Court.

SEC. 3. For entering each suit on the Clerk's Register of Actions and making the necessary entries therein during the progress of the trial, for each folio, twenty-five cents. For issuing every writ or process under seal, fifty cents. For issuing subpoena for one or more witnesses, twenty-five cents. For filing each paper, twenty-five cents. For entering every motion, rule, order or default, fifty cents. For entering every discontinuance, dismissal or nonsuit, fifty cents. For entering every cause on the calendar, and making a copy thereof for the bar, for each term of the Court, twenty-five cents. For calling and swearing every jury, fifty cents. For receiving and entering each verdict of a jury, fifty cents. For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents. For filing judgment roll, fifty cents. For entering judgment on judgment docket, twenty-five cents. For entering satisfaction of judgment, fifty cents. For administering every oath or affirmation, twenty-five cents. For certifying every oath or affirmation, twenty-five cents. For copy of any proceeding record or paper, for each folio, twenty-five cents. For every certificate under seal, fifty cents. For searching files of each year in his office, (but not to charge suitors or attorneys,) one dollar. For issuing every commission to take testimony, fifty cents. For taking down testimony of witnesses during the trial, for each folio, twenty cents; to be paid by the party requiring the same. For issuing every execution or other final process, fifty cents. For issuing every decree or order of sale of mortgaged property, one dollar. For issuing writ of injunction or attachment, fifty cents. For entering judgment by confession, the same fees as in other cases of entering judgment. For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents. For taking each bond required by law, fifty cents. For taking justification thereto, fifty cents. For acknowledgment of deed or other instrument, including all writing and the seal, for each name thereto, one dollar. When the Court is sitting as a Court of Criminal Jurisdiction, he shall receive for the trial of each issue, where the charge is felony, five dollars. For the trial of each issue, where the charge is misdemeanor, three dollars. He shall receive no other fee for any service whatever in a criminal

action or proceeding, except for copies of papers, for each folio, twenty cents.

FEES OF CLERK OF COUNTY COURT.

SEC. 4. For filing all the papers sent on appeal from Justices' Courts, in each cause, and making the necessary entries concerning the same, two dollars. For all other services, the same fees as are allowed in the District Court for similar services. Of Clerk of
County Court.

FEES OF CLERK OF COURT OF SESSIONS.

SEC. 5. The Clerk shall receive the same fees as are allowed the Clerk of the District Court in criminal cases. Of Court of
Sessions.

CLERK OF PROBATE COURT.

SEC. 6. For issuing letters testamentary, or of administration, fifty cents. For certificate of appointing appraisers, or guardians, fifty cents. For writing and posting notices when required, for each copy, fifty cents. For recording wills, per folio, twenty cents. For all other services, the same as are allowed the Clerk of the District Court for similar services. For notice given by publication, in addition to the cost of publication, fifty cents. Of Probate
Court.

FEES OF COUNTY RECORDER.

SEC. 7. For recording any instrument, paper, or notice, when required, for each folio, thirty-five cents. For copies of any record or paper, per folio, thirty-five cents. For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents. For making, in the several indexes required, all the entries required, of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, thirty cents. For every certificate under seal, to copies of papers or records in his office, when required, fifty cents. For every entry of discharge of mortgage on margin of record, seventy-five cents. For searching records and files of each year in his office, when required, fifty cents. For abstract or certificate of title, when required for each conveyance or incumbrance certified, twenty-five cents. For recording every town plat, for every course, fifteen cents. For figures and lettering plats and maps, per folio, fifty cents. For taking and writing acknowledgments, including seal, for each signature, fifty cents. For filing and entering a minute of certificate of Sheriff's sale, fifty cents. For filing and entering a minute of certificate of tax sale, fifty cents. For recording marriage certificates, one dollar. For filing and keeping each paper not required to be recorded, and indorsing same if required, fifty cents. County Recorder

FEES OF SHERIFF.

SEC. 8. For serving a summons and complaint, or any other process, by which an action or proceeding is commenced, on every defendant, two dollars. For traveling in making such services, per mile, in going only, to be computed in all cases from the Court House of the county, forty cents. But when such service is made Of Sheriff

Sheriff.

by a deputy or constable, then the mileage shall only be charged for the distance traveled to make such service, from the place where the papers to be served were received by such officer. *Provided*, That if any two or more papers required to be served in the same suit, at the same time, one mileage only shall be charged. For taking bond, or undertaking in any case, in which he is authorized to take the same, one dollar. For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents. For serving every notice, rule, or order, one dollar. For serving a subpoena, for each witness summoned, fifty cents. For traveling, per mile, in serving each subpoena, or venire, in going only, (but when two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant,) forty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for delivery of personal property, and with traveling, as on a summons, two dollars; but no traveling fee shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. For serving an attachment upon any ship, boat or vessel, in proceedings to enforce any lien thereon created by law, two dollars. For making and posting notices, and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspaper, two dollars. For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised and sold, on the first one thousand dollars, two and one-half per cent; and on all sums above that amount, one and one-half per cent. For commissions for receiving and paying over money on execution without levy, or when the land or goods levied on shall not be sold, two per cent. on the first thousand dollars, and one per cent. on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant, by virtue of such execution, in the same manner as the sum therein directed to be made. For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall in addition pay for the acknowledgment thereof, three dollars. For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, five dollars. For travel, in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, in going only, forty cents. For attending when required on any Court, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars. For bringing up a prisoner on *habeas corpus* to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, one dollar; and for traveling each mile from the jail, in going only, forty cents. He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution, or other process, and of preserving the same, as the Court from which the writ or order may issue, shall

certify to be just and reasonable. For holding each inquest, or trial of right of property, when required, to include all service in the matter except mileage, five dollars. For attending on Supreme Court, either in person or by deputy, to be paid out of the State Treasury as other claims, for each day, five dollars. For making every arrest in a criminal proceeding, two dollars. For serving each subpoena in criminal proceedings, fifty cents. For executing every sentence of death, twenty dollars. For summoning a grand jury of twenty-four, twelve dollars. For summoning each trial jury of twelve persons, six dollars; for each additional juror, fifty cents. For service of any process in criminal cases, for each mile necessarily traveled, twenty cents; and the same mileage for taking prisoner before a magistrate or to prison. In serving subpoena or venire in criminal cases, he shall receive mileage for the most distant only, where witnesses and jurors live in the same direction. For all service in Justices' Courts, the same fees as are allowed to constables in like cases.

FEE OF CORONERS.

SEC. 9. All services in summoning jury of inquest, three dollars. Fees of Coroners For swearing a jury, one dollar. For issuing a warrant of arrest, fifty cents. For issuing subpoena, for each witness, twenty-five cents. For each mile necessarily traveled in going to the place of the dead body, twenty-five cents; which fees, in all inquests, shall be paid out of the County Treasury, as other demands. For all services rendered by them when acting as Sheriff, the same fees as are allowed Sheriffs for similar services. For swearing each witness, twenty-five cents. For taking down the testimony of each witness, per folio, twenty cents.

FEE OF CONSTABLES.

SEC. 10. For serving summons in a civil suit, for each defendant, seventy-five cents. For summoning a jury before a Justice of the Peace, two dollars. For taking a bond required to be taken, seventy-five cents. For serving an attachment against the property of a defendant, two dollars. For summoning each witness, twenty-five cents. For summoning and swearing a jury to try the rights of property, and taking the verdict, two dollars. For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the constable that such charges are correct, and the expenses necessarily incurred. For collecting all sums on execution, two and one-half per cent., to be charged against the defendant in the execution. Constables shall receive, in serving summons, attachment, order, execution, venire, notice, and subpoena, in civil cases, for each mile necessarily traveled in going only, but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction, forty cents. For serving a warrant or order for the delivery of personal property, or making an arrest in civil cases, two dollars. For service and trial in criminal cases, the same fees as Sheriffs for like services. For all other services, except attending court, the same fees as are allowed to Sheriffs for similar services.

FEES OF WITNESSES.

Witnesses.

SEC. 11. For attending in any suit or proceeding, civil or criminal, before any Court of Record, Referee, Commissioner or Justice of the Peace, for each day, three dollars. For traveling to the place of trial, for each mile, twenty-five cents. No person shall be obliged to testify in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same; for criminal cases witness fees shall be taxed and paid as other costs therein, and no person shall be obliged in any civil action or proceeding to attend as a witness, without the county in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF JURORS.

Jurors.

SEC. 12. For each day, to be paid in civil cases by the party in whose favor the verdict is rendered before the same shall be entered, but the same may be recovered as cost from the party losing the case, two dollars. If, in any trial in a civil case before any court, the jury be, from any cause, discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as cost from the party losing the case, if he afterward obtain judgment; until they are paid no further proceedings shall be allowed in the action. No person shall receive any compensation for serving on a Coroner's inquest.

FEES OF THE COUNTY AUDITOR.

County Auditor.

SEC. 13. For making duplicate of taxes, or copies thereof required, per folio, thirty cents. For filing Treasurer's receipts and issuing license, to be paid by the party, fifty cents.

FEES OF JUDGES AND CLERKS OF ELECTIONS.

Judges and
Clerks of
Election.

SEC. 14. For each day's attendance at any general or special election, the Inspector, Judges and Clerks of Election, shall each receive three dollars, to be audited and paid out of the County Treasury, as other charges against the county.

FEES OF JUSTICES OF THE PEACE.

Fees of Justices
of the Peace.

SEC. 15. For filing each paper, twenty-five cents. Issuing any writ or process, by which suit is commenced, seventy-five cents. For entering each cause upon his docket, fifty cents. For subpoena, to each witness, twenty-five cents. For administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents. For each certificate, twenty-five cents. For issuing writ of attachment, or of arrest, or for the delivery of property, two dollars. For entering any final judgment, per folio—for the first folio, one dollar; for each additional folio, twenty cents. For taking and approving any bond or undertaking, directed by law to be taken or approved by him, twenty-five cents. For taking justification to a bond, fifty cents. For swearing a jury, fifty cents. For taking depositions, per folio, twenty-five cents. For entering satisfaction of a judgment, twenty-five [cents?]. For copy of judg-

ment, order, docket, proceedings, or paper, in his office, for each folio, twenty-five cents. For transcript of judgment, per folio, twenty-five cents. For issuing commission to take testimony, one dollar. For issuing supersedeas to an execution, twenty-five cents. For making up and transmitting transcript and papers on appeal, two dollars. For issuing search warrants, one dollar. For issuing an execution, twenty-five cents. For celebrating marriage and returning certificate thereof to the Recorder, five dollars. For all service and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars. For taking bail after commitment in criminal cases, one dollar. For entering cause without process, one dollar. For entering judgment by confession, and only on affidavit as required in the District Court, three dollars. For entering every motion, rule, order, verdict or default, twenty-five cents. For service as Associate-Justices of the Court of Sessions, six dollars per day, together with fifty cents per mile necessarily traveled in going only, and once only during each term of the Court.

INTERPRETERS AND TRANSLATORS.

SEC. 16. Interpreters and translators may be allowed such compensation for their services as the Court shall certify to be necessary and just, to be taxed and collected as other costs; but the same shall not exceed five dollars per day. Interpreters and Translators.

FEES OF COUNTY SURVEYORS.

SEC. 17. For the first mile actually run with compass and chain, five dollars; for each succeeding mile, four dollars. For each mile run with compass alone, three dollars. For each lot laid out and platted in any city or town, two dollars. For recording a survey, twenty cents a folio. For calculating the quantity of each division made in a tract of land, (town lots excepted,) one dollar. For traveling to the place of survey, for each mile, in going only, forty cents; the distance shall be computed from his place of residence, or from where his office is kept, to the place of survey; and if the County Surveyor shall be required and duly notified, verbally or otherwise, to make other surveys while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him; but if the distance shall be greater from the place last surveyed where his services are required, he shall only be entitled to mileage from the county seat of the county in which he lives; and in no case shall constructive mileage be allowed. For ascertaining the location of every town lot in an old survey, and measuring and marking the same, three dollars. For copies and certificates, per folio, twenty cents. For erecting a monument at the corner of any survey, when required, two dollars. For copy of a plat of any survey and certificate required by law to be transmitted to the Surveyor General, two dollars, to be paid by the party requiring the survey; expenses of assistants shall be an additional charge, to be agreed upon between the parties. County Surveyor

FEES OF PROBATE JUDGE.

- Probate Judge.** SEC. 18. For every order or judgment, when not contested, one dollar; when contested, two dollars.
- Of County Judge as Probate Judge.** SEC. 19. Fees allowed for services rendered by the County Judge, as Probate Judge, shall be collected by the County Clerk, who shall keep a full and accurate account of the same in a book kept separate and apart for that purpose. The County Clerk shall make a settlement at least once a month with the County Treasurer, of the fees thus collected, and pay the amount in his hands into the County Treasury and take his receipt therefor, and file the same with the County Auditor. His accounts shall always be open to inspection by any county officer, or any person who may be interested therein. The County Treasurer, in a book kept specially for that purpose, shall keep a full account of all moneys thus received, which shall constitute a separate and distinct fund, and so much thereof as may be necessary for that purpose shall be applied to the payment of the salary of the County Judge, and the residue, if any, shall be paid into the County Treasury, and it shall be a misdemeanor for a Probate Judge to receive any fees to his own use, except in such manner as is prescribed in this section.
- Clerk to settle monthly with Treasurer.**
- Treasurer to keep account of moneys received**
- Misdemeanor.**
- Fees to be paid before service is performed.**
- Proviso.**
- SEC. 20. Any officer may refuse to perform any services in a civil action or proceeding until the fee for such services is paid by the party requiring the service. *Provided*, If any person shall make an affidavit before the County Judge, setting forth that he has good cause of action or defense, and that he is unable to pay fees in advance, the County Judge may, in his discretion, make an order that the officer perform such services without any pay in advance, or may in his discretion require such person to give security for the costs, and then require such officers to perform such services; and it shall be the duty of such officers to obey such order of the County Judge so made.

TAX COLLECTOR.

- Fees of Tax Collector.** SEC. 21. The Tax Collector shall be allowed for collecting all taxes and dues payable to the State, or the County of Yuba, except license taxes, foreign miners' taxes and poll taxes, on all sums collected and paid over by him, six per cent; and for all sums collected and paid over for license taxes, foreign miners' taxes and poll taxes, the same rates as are now allowed by law.

MISCELLANEOUS PROVISIONS.

- Officers to publish and set up tables of fees.** SEC. 22. Every officer whose fees are herein ascertained, shall publish and set up in his office fair tables of his fees, according to this Act, within six months after the passage thereof, in some conspicuous place, for the inspection of all persons who have business in his office, upon pain of forfeiture, for each day, a sum not exceeding twenty dollars, which may be recovered by any person, by action before any Justice of the Peace, of the same county, with costs.
- Forfeit for neglect.**
- Costs of publication to be paid in advance.** SEC. 23. When by law any publication is required to be made by an officer of any suit, process, notice, order or other paper, the costs of such publication shall be first tendered by the party, if

demanded, for whom such process or order was granted, before the officer shall be compelled to make publication thereof.

SEC. 24. If any Clerk, Sheriff, Justice of the Peace, or Constable, shall not have received any fees which may be due him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party from whom they are due, to be issued from the Court in which the action is pending.

Fees due and unpaid.

SEC. 25. The Secretary of State, Treasurer, Controller, Attorney General, and District Attorneys, shall be authorized to require searchers in the respective offices of each other, and in the office of the Clerk of the Supreme Court of the several District Courts, of the County Courts, Courts of Sessions or Recorders, for any papers, records or documents, necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom, without the payment of any fee or charge whatever.

Searches authorized in certain offices.

SEC. 26. The term folio, when used as a measure for computing fees or compensation, shall be construed to mean one hundred words, counting every figure necessarily used, as a word. Any portion of a folio, when in the whole draft or paper there should not be a complete folio, and when there should be an excess over the last folio exceeding a quarter, it shall be computed as a folio. The filing of a paper shall be construed to include the certificate of the same.

Term folio, how used.

SEC. 27. When any Sheriff, Constable, or Coroner, serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

Mileage.

SEC. 28. No Attorney or Counsellor at Law, in any case, shall be allowed any fees for attending as a witness in such cause.

Fees not allowed to Attorney as witness

SEC. 29. Every officer upon receiving any fees for official duty or services, may be required by the person paying the same, to make out in writing, and deliver to such person, a particular account of such fees, specifying for what they respectively accrued, and shall receipt for the same; and if he refuse or neglect to do so, when required, or shall receive illegal fees, he shall be liable to the party paying, for three times the amount so paid.

Officers to state for what fees accrued.

Liability for neglect.

SEC. 30. No fees shall be charged by any officer for administering and certifying the oath of office.

No fees for oath of office.

SEC. 31. Officers whose fees are set forth in this Act, shall not be entitled to charge or receive any fees not herein enumerated, unless specially provided for by law.

SEC. 32. The Attorney-General, or any District Attorney, is authorized to cause subpoenas to be issued, and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance, to any officers or witnesses; and any witness failing or neglecting to attend, after being served with a subpoena, may be proceeded against, and shall be liable in the same manner as provided by law in other cases, where fees have been tendered or paid.

Witnesses for State.

SEC. 33. The Clerk of any Court, at which any witness shall have attended on behalf of the State, in a civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State Treasury on the Controller's warrant.

Certificates given to witnesses.

No other fees
allowed.

SEC. 34. No other fee shall be charged than those specially set forth herein; nor shall any fees be charged for any other services than those mentioned in this Act, except as hereinafter provided.

Officers to keep
"Fee Books."

SEC. 35. It shall be the duty of each and every of said officers hereinbefore mentioned, to keep, severally, a book to be called a "fee book," in their respective offices, open to the inspection of any one desiring to inspect the same, in which book shall be stated the fees charged, and the services for, and the title of the case in which they are charged; and it shall be the duty of the District Attorney to inspect said books, at least once in every three months; and the foreman of each and every Grand Jury, shall also have the same before him, and shall examine the same.

Duty of District
Attorney.

Provisions
extended.

SEC. 36. The provisions of Sections thirty-two and thirty-three of this Act shall extend to all actions and proceedings brought in the name of the Attorney General, or any other person or persons, for the benefit of the State.

Acts repealed.

SEC. 37. An Act entitled "An Act to regulate Fees in Office," approved April 10th, 1855, (excepting and reserving Section seventy-three of that Act,) and an Act supplementary thereto, approved April 30th, 1855; and an Act entitled "An Act to amend an Act to regulate Fees in Office," approved April 30, 1855; and an Act entitled "An Act amendatory of an Act entitled an Act to regulate Fees in Office," approved April 1st, 1856; and an Act entitled "An Act to amend an Act to regulate Fees in Office," approved April 5th, 1856; and all other Acts or parts of Acts, inconsistent or in conflict with the provisions of this Act, are hereby repealed, so far as the same apply to Yuba County.

Chairman of
Supervisors.

Per diem of
members.

SEC. 38. The Chairman of the Board of Supervisors of Yuba County shall receive, for his services, a salary of eight hundred dollars per annum; and each member of said Board shall receive, for his services, eight dollars for each day he may be employed about the duties of his office. *Provided*, They shall not receive more than four hundred dollars per annum each. And the said Chairman and other members of said Board shall receive no other compensation or pay for any service done by them, as such Supervisors and Chairman. All laws and parts of laws in conflict with this section, are hereby repealed, so far as the County of Yuba is concerned.

Act to be
published.

SEC. 39. The Board of Supervisors of Yuba County shall cause this Act to be published in a newspaper published in said county, for the term of sixty days, as often, at least, as once a week, which publication shall be a county charge. This Act shall not be published at the expense of the State.

Take effect.

SEC. 40. This Act shall take effect on the first day of January, A D. 1858, except Section thirty-eight, which shall take effect immediately.

CHAPTER CCXL.

AN ACT

Fixing the time of holding the County Court in the County of Placer.

[Approved April 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Court of the county of Placer shall hold a term on the second Mondays of February, May, August and November, of each year, which shall continue until all the business of the Court shall be disposed of.

SEC. 2. All Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed, so far as they relate to the county of Placer.

CHAPTER CCXLI.

AN ACT

To provide for the Construction of a Wagon Road from Oroville, Butte County, to and intersecting at the most practical point the line of the proposed National Wagon Road that has its terminus at or near Honey Lake, Plumas County.

[Approved April 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Wm. L. Urton and Jacob S. Morris, of Butte County, and Wm. Buckholder and R. C. Chambers, of Plumas County, are hereby constituted and appointed a Board of Wagon Road Commissioners. It shall be the duty of said Board of Commissioners to cause to be located, improved, or constructed, a Wagon Road, from Oroville, Butte County, passing thence near Mendinhal Ranch to the southeast side of Middle Feather River, via Bidwell, thence from the north side of said river, to and intersecting at the most practicable point, the line of the proposed National Wagon Road that has its terminus at or near Honey Lake, Plumas County, in accordance with the provisions of this Act.

Names of
Commissioners

Duty.

Appropriation
for road.

SEC. 2. The said Commissioners are hereby authorized to expend an amount of money not exceeding forty thousand dollars, for the survey, location and improvement of said road.

Three Commis-
sioners to act.

SEC. 3. Any three of said Commissioners appointed under the provisions of this Act, are hereby authorized to make contracts and to do all acts and things herein contemplated and necessary to be done, and the same shall be as effectual and valid as if made by all such Commissioners.

Prepare plans.

SEC. 4. Said Commissioners shall have prepared plans and specifications of the character, grade and dimensions of said road, and when they shall have been fully prepared and settled, they shall advertise, for at least ten days, in a newspaper in each of said counties, for sealed proposals for the performance of the work to be done in improving and constructing said road. Said contract

Contracts, how
let out.

or contracts shall be let out in sections of one mile to ten or more in length. Said bids shall specify the rates at which the work will be done, payable in bonds issued under this Act at par value, and also at what rates payable in cash. The Commissioners shall, after

To whom given.

opening the proposals that may be received, let the work by contract to the lowest and most responsible bidder or bidders. *Provided*, That if none of the bids offered shall be satisfactory to the Commissioners, then the Commissioners may advertise again for sealed proposals. *And provided further*, That the accepted bidder or bidders shall give bonds in double the amount of their contract, with two or more sureties, to be approved by the Commissioners, and conditioned for the faithful performance of such contract; and in case of a failure on the part of the accepted bidder to give satisfactory security, then the Commissioners may, in their discretion, accept the next lowest bid.

Account of ex-
penses, report.

SEC. 5. Said commissioners are hereby required to keep a minute account of all expenses that may be made on the survey, location, and improvement of said road in each county, and to report the same to the Board of Supervisors of each county at such times as they may require; and they are further authorized and required to cause said road to be located, improved and constructed, as far as practicable, by the first day of December of the present year; and the location of said road, the letting of the contracts, and the construction of the road, shall be done by sections consecutively numbered, commencing at Oroville, running thence on the line of the proposed route to its terminus; and the contracts shall be let and the work commenced as soon as practicable. The fund raised by each county shall be applied to the location and construction of the road as made within its respective limits. If, however, there should be a surplus after the completion of the road as located in any one of said counties, the same shall be applied to the completion of the road in the other county, should said Commissioners deem the same necessary.

Fund, how
applied.

Surplus, how
disposed of.

Butte Co. bonds.

SEC. 6. For the purpose of paying the contractors for the work aforesaid, it is hereby made the duty of the Board of Supervisors of Butte county, and they are hereby required to cause to be issued bonds to the amount of twenty thousand dollars; also the Board of Supervisors of Plumas county are authorized and required to issue bonds to the amount of twenty thousand dollars, in the following order: In denominations of one, three and five hundred dollars,

Plumas Co.
bonds.

and in denominations of one thousand and five thousand dollars, in all not to exceed the foregoing respective apportionments of forty thousand dollars; the same shall draw ten per cent. interest per annum. Said bonds shall be consecutively numbered as issued; one-half of said sum shall be made payable in two years from the date of their issuance, and the other one-half on or before the expiration of four years. They shall be made payable to the person to whom first issued or his order; they shall be made payable at the office of the County Treasurer of each of the aforesaid counties, or in the city of New York, at the option of the holders, in the order in which they are numbered. The interest shall be made payable semi-annually; coupons for the interest shall be attached to each bond, so that they may, as paid, be removed without injury or mutilation to the bond. The coupons shall be consecutively numbered, signed and attested as the bonds are. The County Treasurer shall advertise in some newspaper published in his county, or New York city, as the case may be, where said bonds and interest are payable, at least thirty days immediately preceding the day on which the same shall be due, stating at what office or banking house the said bonds or interest, as the case may be, shall be paid. After the payment of the interest, should there be a surplus of funds amounting to two thousand dollars or more, the same shall be applied to the payment of the bonds, as they are consecutively numbered. A notice of said payment shall be given when they are paid at maturity.

When payable.

Interest.

Coupons.

Treasurer to advertise.

SEC. 7. The bonds shall be signed by the County Auditor and countersigned by the County Treasurer, and their signatures attested as genuine by the County Clerk, with the seal of the County Court affixed.

Bonds, how signed.

SEC. 8. For the payment of said bonds and interest, the Board of Supervisors of each county are authorized and empowered to levy a yearly special tax of one-third of one per cent. on every one hundred dollars of assessable property, and a capitation tax of fifty cents on all persons that are liable to pay a poll tax, and the same shall be assessed and collected at the same time and in the same manner as the property and poll taxes in said counties are assessed and collected. To this fund the Treasurer of each county shall place the surplus revenue of his county, if any, which fund shall be denominated the "Special Road Fund," and the bonds shall be drawn payable out of that fund.

Taxes authorized.

SEC. 9. The County Treasurer of each county shall set apart out of said fund a sufficient sum to pay the interest as it may fall due; and if there should be a deficiency in said fund he shall pay the deficiency out of the General County Fund, and replace the amount from the Special Fund when collected.

Interest set apart.

SEC. 10. In payment of any contract, demand or liability, created in constructing or improving said road, the same shall be certified by the Commissioners to the Board of Supervisors of said counties, who shall thereupon cause to be issued bonds in proportion to the amount of the liability of each county under this Act, which bonds, or the proceeds thereof, shall be applied to the payment of said contract or contracts according to their terms; and to this end the Board of Supervisors of each county are authorized to have said bonds cashed to meet the payment of any

Payments.

Bonds to meet

contract or contracts that shall call for payment in cash, and not otherwise. Said bonds shall not be cashed at a discount greater than ten per cent.

Commissioners
no interest in
contracts.

SEC. 11. The Commissioners, or either of them, acting under or by virtue of this Act, shall not, either directly or indirectly, be in any manner interested in any contract or undertaking, either for supplies, materials, or otherwise, in the construction or improvement of said road. Any violation of this section or the preceding sections, shall be deemed a misdemeanor, and upon conviction thereof before any competent tribunal, said Commissioners, or either of them, shall be fined in any sum not less than one thousand dollars.

Contracts null
and void.

SEC. 12. Any expenditures made, or contracts entered into by the said Commissioners, beyond the total amount of the bonds appropriated and authorized to be issued by this Act, shall be null and void.

Pay of Commis-
sioners.

SEC. 13. The compensation of each Commissioner shall be six dollars per day for each day of actual service, payable in bonds issued under this Act. The said Commissioners shall certify to the correctness of the account of each one, to the Board of Supervisors of the County, in whose behalf the Commissioner was appointed, who shall audit the same, if correct, and order the same to be paid. *Provided*, That the amount allowed as compensation to each Commissioner shall not exceed, in the aggregate, six hundred dollars in any one year.

Vacancies, how
filled.

SEC. 14. Should a vacancy, from death or resignation, occur in the Board of Commissioners before the objects of this [Act] bill shall have been carried out, such vacancy shall be filled by an appointment from the remaining Commissioners in office, and such person or persons thus appointed shall have, and are hereby invested with all the duties, responsibilities and authority of that office, as if he had been appointed by this Act originally.

Condition upon
which bonds are
to be issued.

SEC. 15. The bonds that are required to be issued by the Board of Supervisors of the respective counties, under this Act, shall not be issued unless upon a submission of the propositions to issue said bonds to the electors of said counties, at the next general election, a majority of the electors voting on said proposition in one or both of said counties, shall be in favor of said proposition; and the provisions of this Act shall only apply to the county or counties in which a majority of said votes was cast in favor of said proposition, as far as the same are applicable, and shall not apply to the county in which a majority of the votes cast shall be against said proposition. The Commissioners representing the county assenting to the issuing of said bonds, in the event that the other county shall have voted against said proposition, shall constitute a Board of Wagon Road Commissioners in and for said county, and shall have full and complete power and authority to lay out, improve, and construct said road as they may deem advisable, in said county, on the line of the route indicated in this Act; and they shall have and are vested with all the authority and power given by this Act to the four Commissioners hereinbefore enumerated, independent of the Commissioners representing the dissenting county. Should both counties assent, as herein indicated, to the issuing of said bonds, the Commissioners representing said counties shall act as one Board,

Commissioners
to act as one
Board.

as hereinbefore provided. To give full force and effect to this Act, it shall be, and is hereby made the duty of the Board of Supervisors of the respective counties, to submit to the qualified electors, at the next general election in their county, the proposition to issue the bonds provided to be issued under this Act; those voting for said proposition, shall have written or printed on their ballot: "Wagon Road Bonds—Yes;" or, "Wagon Road Bonds—No." Said votes shall be canvassed by the Board of Canvassers in their respective counties, at the same time and in the same manner as the votes cast for State and county officers, and the result of said voting shall be entered on the record of the Board of Supervisors of each county; and the Board of Supervisors of Butte County shall certify the result of the vote cast on said proposition, to the Board of Supervisors of the County of Plumas, and the Board of Supervisors of Plumas County shall certify the result of the vote cast on said proposition, to the Board of Supervisors of Butte County; the same shall be official notice of the action of each county under this Act, and such certificate shall be issued as soon as practicable. The fund and tax that are provided to be raised, or that may be raised under this Act, are hereby pledged as an inviolable fund and tax for the completion of said road, on the line of the route indicated by this Act.

Duty of Supervisors.

Certificates, when issued.

CHAPTER CCXLII.

AN ACT

To create a Board of Commissioners for the County of San Mateo.

[Approved April 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. For the purpose of conducting the election ordered to be held for county officers in the county of San Mateo, on the second Monday of May, A D. 1857, D. S. Cook, D. W. Conley and James Berry, are hereby appointed, made, and declared a Board of Commissioners, to district the county, to appoint Judges and Inspectors of Election, to receive the returns of the election, and to declare the result of the same, to administer the oath of office to the person elected County Judge, (who shall qualify all other officers elected at such elections,) and to perform all other duties respecting such election, as are by law required to be performed in cases of special elections by the Boards of Supervisors of the regular organized counties of this State. B. G. Lathrop shall act as Clerk to the Board of Commissioners named in this section,

Commissioners appointed.

Clerk of Board.

and shall also perform all the duties in regard to such election required of a County Clerk of a regular organized county. This Act shall take effect immediately.

CHAPTER CXXLIH.

AN ACT

To authorize the Board of Supervisors of the County of Yuba to take and subscribe Two Hundred Thousand Dollars to the capital stock of a Railroad Company, and to provide for the Payment of the same, and other matters relating thereto.

[Approved April 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Yuba, at the next general election, to be held therein, for the election of the county officers of said county, to submit to the qualified electors of said county the proposition for the Board of Supervisors of said county to take and subscribe two hundred thousand dollars to the capital stock of any Railroad Company, for the purpose of constructing any Railroad, by which a Railroad connection shall be formed between the City of Marysville and either the City of Benicia or any point on the Sacramento River, at or near either Knight's Ferry or Sacramento City.

Notice to state.

SEC. 2. It shall be the duty of said Board of Supervisors to cause notice, of at least twenty days, to be published in some newspaper printed in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of two hundred thousand dollars to Railroad stock" printed thereon, which ballots may be and form a part of any of the tickets made or voted for the county officers of said county, or be upon separate paper and deposited in a separate box, at the option of said Board of Supervisors. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Sealed returns shall be made of the vote cast on

Description of ballots.

Returns.

said proposition, (at the same time and in the same manner as provided for in the case of the election of the county officers,) to the Clerk of said county, of the number of voters voting "Yes," and the number voting "No," which returns shall be opened and counted in the same manner as the returns of the votes for county

officers, and when opened and counted, the result thereof shall be declared officially, by the said Board of Supervisors.

SEC. 3. If, at the said election, a greater number of the electors of said County of Yuba upon said proposition vote "Yes," than shall vote "No," then and in that event are the Board of Supervisors of said county, in "the name of the County of Yuba," hereby authorized, directed and empowered to take and subscribe, for the use, benefit and advantage of said county, to the capital stock of any Railroad Company, for the purpose mentioned in Section one of this Act, stock to the amount of two hundred thousand dollars, add therefor to pledge the faith of said County of Yuba for the payment of the same, in the manner hereinafter provided.

Event in which Board is authorized to take stock.

SEC. 4. The said subscription shall be made by a committee of three members of said Board of Supervisors, to be appointed by an order of the said Board for that purpose, which order shall direct such committee for the stock of what company such subscription shall be made.

Subscription.

SEC. 5. The said committee so appointed shall make such subscription, conditioning the same to be paid in the bonds of said Yuba county, issued as hereinafter directed, and not otherwise; and for such subscription said bonds shall be received at par, dollar for dollar.

Condition of.

SEC. 6. The said Board of Supervisors of said county from time to time, as the payment of said subscription shall be required to be made of such capital stock so subscribed by said committee, shall, by order, direct the Chairman of said Board of Supervisors, the County Treasurer and County Auditor of said County, who for that purpose and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners" of said county, as such "Loan Commissioners" to issue bonds in sums of not less than five hundred dollars, nor more than one thousand dollars, for such amount of such subscription to said capital stock as said Board of Supervisors may direct; said bonds shall draw interest at the rate of ten per cent. per annum from the date of their issue, and shall be made payable at the office of the Treasurer of said county, or in either of the cities of Sacramento or San Francisco, at the option of those receiving the same, on the first day of January, A. D. one thousand eight hundred and sixty-nine; the interest accruing on said bonds shall be due and payable semi-annually on the first of January and July, so long as such bonds are outstanding and unpaid; and shall be made payable at said Treasurer's office, or in either of the cities of Sacramento or San Francisco, at the option of the person or persons to whom such bonds may issue. Said bonds shall be signed by the said Chairman of the Board of Supervisors, the County Auditor and County Treasurer, as such officers, and as *ex-officio* "Loan Commissioners," and when signed, shall be delivered by the Chairman of the said Board of Supervisors of said county to the County Clerk of said county, who shall countersign the same as Clerk of said Board of Supervisors, in the presence of a quorum of such Board at a meeting thereof, and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bond to be entered upon their journals, together with the number, date, amount and

Loan Commissioners to issue bonds.

Interest.

Bonds, where and when payable.

Interest, where and when payable.

County Seal
affixed, &c.

Receipts to state

Coupons.

Interest tax
authorized.

Amount of tax
for Loan Fund.

Taxes, how
applied.

Surplus of
interest paid
into Loan Fund.

Duty of Loan
Commissioners.

place of payment of each bond so countersigned by the said Clerk of the said Board of Supervisors; and upon the countersigning of said bonds, it shall be the duty of the said Board of Supervisors to cause the seal of the said county to be affixed to each bond, and to appoint a committee of three of their number to deliver said bonds so countersigned to the person or persons, company or corporation, to whom the same may be issued; and it shall be the duty of such committee to take a receipt for the bonds so delivered by them, setting forth the number, dates and amounts of the bonds delivered, and report the same to the said Board of Supervisors.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond. Said coupons shall be signed by the said "Loan Commissioners." When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Clerk, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

SEC. 8. It shall be the duty of said Board of Supervisors of said County of Yuba, previous to the making out of the duplicate of the general assessment list for said county, in each year, to levy a tax to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder; and previous to the making out of the duplicate of the general Assessment List for said county, in the year A. D. eighteen hundred and fifty-nine, and for every year thereafter until the said bonds issued under this Act, shall be paid and liquidated; the said Board of Supervisors shall levy a tax of ten per cent of the whole amount of said bonds issued under this Act, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Loan Fund;" the said taxes shall be levied and collected in the same manner as the general taxes for county purposes, and when collected shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said "Loan Commissioners," to be by them applied:

First. The interest tax to the payment of the interest falling due on said bonds.

Second. The "loan fund" to the redemption of said bonds, as hereinafter provided.

SEC. 9. If there shall be collected as such interest tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over every such surplus into the said Loan Fund.

SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds when the same falls due, at least thirty days before the time of payment, and in the event said interest fund is insufficient the said Treasurer shall draw on the common or general fund of the said County of Yuba, for such purposes, and deliver the same to said Commissioners, and in the event that these funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the County of Yuba.

SEC. 11. Whenever, at any time, there shall be in said loan fund a sum of money amounting to three thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper, published in said county, and also in a newspaper published in each of the cities of Sacramento and San Francisco, for the space of two weeks, for sealed proposals, for the redemption of said Bonds, and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals and shall pay and liquidate, as far as the loan fund then on hand shall extend, such bonds presented under such proposals as shall have the lowest value proposed, at which they may be liquidated. *Provided*, The same shall not be for more than the par value thereof. *And provided*, Should there be no proposals made for less than par value, then the payment of said loan fund on hand shall be made on said bonds, according to the number of their issue, of which the said Commissioners shall give two weeks notice of the number of the bonds to be so paid; after which time, such bonds shall cease to draw interest. *And provided*, Whenever there may be sufficient moneys in such loan fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw any interest. Any moneys remaining in said sinking fund after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him paid into the general fund of said County of Yuba.

Notice for redemption of bonds.

Bonds redeemed

Proviso.

Moneys remaining, how disposed of.

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "canceled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the County Clerk, upon the receipt of such "canceled bonds," shall file the same in his office.

Canceled bonds filed in Clerk's office.

SEC. 13. The County Clerk shall open with the said "Commissioners," an "Interest Tax Account," and a "Loan Fund Account," and shall balance and settle the same, quarterly, on the first Monday of April, July, October and January, of each year.

Accounts with Commissioners, when balanced

SEC. 14. The said "Commissioners" shall, before entering upon their duties, take and subscribe an oath for the faithful performance of their duties as such "Commissioners," and shall each, in addition to his official bond, give a good and sufficient bond, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty under this Act; said bond to be approved and subject to renewal from time to time, by the Board of Supervisors of said county, and filed in the office of the Clerk thereof.

Oath of office.

SEC. 15. Each of said "Commissioners," in office at the time of the passage of this Act, and their successors, shall be required to perform the duties hereinafter required of them, as a part of their official duties as such Chairman, Treasurer and Auditor, without additional compensation.

Duties.

SEC. 16. The said Board of Supervisors shall have authority to authorize a committee of any two of their number, or any other persons, to cast all votes representing the capital stock, so subscribed by them, and they shall, by order made for that purpose,

Power of Supervisors.

have full power to sell, transfer and assign the said capital stock, so taken by them, under the provisions of this Act, whenever upon a submission to the qualified voters of said county, at any county or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale.

Further powers. SEC. 17. The said Board of Supervisors, shall have all the rights and powers, appertaining to any other subscriber to such capital stock, and shall receive all the dividends, rents, issues and profits of such share or shares, acquired by such subscription to said capital stock, and shall apply the same as follows: one-third part thereof, to the School Fund of said county; and the remaining two thirds thereof, to the General Fund.

Extent of liability. SEC. 18. Neither the said Board of Supervisors, nor the County of Yuba, nor the inhabitants thereof, shall in any event, be liable for the debts of said Railroad Company, in any amount beyond the subscription made as herein provided.

CHAPTER CCXLIV.

AN ACT

To provide for Paying certain equitable Claims against the State of California, and to contract a Funded Debt for that purpose.

[Approved April 28, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Treasurer to prepare bonds.

SECTION 1. For the purpose of liquidating, funding and paying the claims against the State of California, hereinafter specified, the Treasurer of State shall cause to be prepared suitable bonds of the State of California, not to exceed the sum of three millions nine hundred thousand dollars, bearing interest at the rate of seven per cent. per annum from the date of their issue, payable at the State Treasurer's office on the first day of July, one thousand eight hundred and seventy-seven. The interest accruing on said bonds shall be due and payable at the office of the Treasurer of State, on the first day of January and July of each year. *Provided,* That the first payment of interest shall be made before the first day of January, one thousand eight hundred and fifty-nine. Said bonds shall be signed by the Governor and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of the State affixed thereto.

Rate of interest.

Proviso.

Coupons.

SEC. 2. Coupons for the interest shall be attached to each bond so that they may be removed without injury or mutilation to

the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of State.

SEC. 3. It shall be the duty of the Treasurer and Controller of State, each to keep a separate record of all such bonds as may be issued, showing the number, date and amount of each bond, and to whom the same was issued, and upon what claim, and its amount; and none of the claims herein specified shall be liquidated or paid but in the manner herein provided. Separate record.

SEC. 4. The sum of one thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated to pay the expense that may be incurred by the Treasurer in having said bonds prepared, but the Controller shall not draw his warrant on the Treasury for this amount until there is money therein to pay the same. Sum appropriated for expense of bonds.

SEC. 5. All persons having any of the claims against the State of California entitled to be funded as hereinafter specified, shall, upon the presentation of the same to the Treasurer of State, receive in exchange therefor a bond or bonds of the State of California, provided for in the first section of this Act; but no bond shall be issued for a less sum than five hundred dollars, nor for fractional parts of a hundred dollars, but the Treasurer may issue certificates of such fractional parts not bonded, which said certificate shall be transferable, and entitled to be funded as before provided. The Treasurer shall indorse on the back of each claim so received and liquidated, the date on which he received the same, and from whom, and the number of the bond issued in exchange therefor, and such claim shall be filed in the office of the Secretary of State. Claims exchanged for bonds.
No bonds for less than certain sum.
Certificates of fractional parts.

SEC. 6. For the payment within twenty years of the principal and interest of the bonds issued under this Act, there shall be levied, annually, until the bonds are paid and promptly collected in the same manner as is or may be provided by law for ordinary State taxes, a tax of thirty cents on each one hundred dollars of the assessed value of real and personal property in the State, and the fund derived from this tax shall be set apart and applied exclusively to the payment of the interest on the bonds herein provided, and the final redemption of the principal of said bonds; and the faith of the State of California is hereby pledged for the payment, as herein provided, of the bonds issued by virtue of this Act, and the interest thereon, and all moneys that may be received by the State of California from the United States government on account of the "Civil Fund," so called, are hereby irrevocably pledged to the payment of the principal and interest on the bonds issued under this Act. A willful refusal or neglect by Supervisors, or any other officer, to levy or collect the taxes imposed by this Act, shall be a misdemeanor, and the person or persons convicted thereof shall be removed from office and punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Tax authorized.
Amount.
Fund, how applied.
Misdemeanor and penalty.

SEC. 7. Whenever, on the first day of January or July in any year, there remains, after the payment of the interest, as hereinbefore provided, a surplus of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise for the space of one week in one daily newspaper, published in English in the City of New York, and for one month in one daily newspaper published in Treasurer, when to advertise for proposals.

- When opened.** English at the State Capital, for sealed proposals to be opened one month after the expiration of such publications by the Treasurer, in presence of the Governor or Controller, at the State Capitol, for the surrender of bonds issued under this Act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and they shall accept the lowest proposals at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted. *Provided however,* In case a sufficient amount of such bonds shall not be offered as aforesaid, to exhaust the sinking fund to a less amount than ten thousand dollars, then it is hereby made the duty of the Treasurer to advertise in two newspapers, one in New York, and one at the Capital of this State, for three months, which advertisement shall state the amount in the sinking fund, and the number of bonds, numbering them in the order of their issuance, which such fund is set apart to pay and discharge, and if such bonds so numbered in such advertisements shall not be presented for payment and cancellation within three months from the expiration of such publication, then such fund shall remain in the Treasury to discharge such bonds whenever presented, but they shall draw no interest after such publication, as last aforesaid.
- Duty of Treasurer.** SEC. 8. The Treasurer of State shall keep full and particular account and record of all his proceedings under this Act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this Act, with his annual report to be by the Governor laid before the Legislature. And all books and papers pertaining to the matters provided for in this Act shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both.
- Bonds not presented within certain time how disposed of.** SEC. 9. It shall be the duty of the Treasurer to pay the interest on said bonds, when the same falls due, out of said Interest Fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the General Fund. *Provided,* That the Controller of State shall first draw his warrant on the Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due, which said interest warrant shall be drawn at least one month previous to the maturing of the interest.
- Treasurer to keep record of proceedings.** SEC. 10. It shall be the duty of the Governor and Controller to attend at least once in each month at the Treasurer's office, while said bonds are being issued, to examine all claims received by the Treasurer as aforesaid, and cause the same to be registered and canceled in such manner as to prevent them from being re-issued or put in circulation.
- Books and papers open to inspection** SEC. 11. The following are specified as the claims which are entitled to be received and funded under this Act :
- Interest on bonds.** First. Civil bonds of the State issued under the funding Acts passed in the years 1851, 1852, 1853, 1855 and 1856, which are now outstanding, with interest due on the same, when presented as appears by the coupons.
- Duty of Governor and Controller.** Second. Controller's warrants, drawn under sanction of law, for civil expenses, prior to January first, A. D. 1857, and now outstanding and unpaid. But the provisions of this Act shall not
- Claims entitled to be funded.**
- First.**
- Second.**

authorize the funding of any of those warrants, the registration and indorsement of which were canceled or required to be canceled by the provisions of "An Act to cancel the registration and indorsement of certain warrants, and prohibiting the payment of the same," approved January 30th, A. D. 1856, or warrants which have been specifically adjudged illegal by any Court. And all said warrants, specified in the last mentioned Act, are hereby expressly excluded from all the benefits and provisions of this Act.

Third. Just or legal claims against the State, accrued prior to January 1st, 1857, and which may be allowed and audited by Act of the Legislature.

And if the Treasurer of State shall wilfully issue bonds upon claims not herein specified as receivable, it shall be deemed a misdemeanor, and he shall be punished as provided in Section six of this Act, and such bond shall be void.

SEC. 12. The claims specified in this Act, may be received for funding, and bonds therefor may be issued prior to the first day of January, 1859, but not afterward, and all claims not presented for funding prior to that time, are excluded from the provisions of this Act, and such blank bonds prepared under the provisions of this Act, as shall then remain on hand, shall be destroyed in the presence of the Governor, Controller, and Treasurer.

SEC. 13. This Act shall take effect on the first day of November, A. D. 1857, as to all its provisions, except those relating to, and necessary for its submission to the people, and for returning, canvassing, and proclaiming the votes, which shall take effect immediately.

SEC. 14. This Act shall be submitted to the people of the State for their ratification, at the next general election, to be holden on the first Wednesday of September, A. D. 1857, and the qualified electors of this State shall, at said election, on their ballots for State officers, vote for or against this Act; those voting for the same, shall write or have printed on their ballots, the words "Pay the Debt," and those voting against the same, shall write or have printed on their ballots, the words "Repudiate the Debt."

SEC. 15. The votes cast for and against this Act, shall be counted, returned, and canceled, and declared in the same manner, and subject to the same rules, as votes cast for the Treasurer of State, and if it appear, that a majority of all the votes so cast for or against this law, as aforesaid, are in favor of this Act, then the same shall have effect as hereinbefore provided, and shall be irrevocable, until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes so cast, are against this Act, then the same shall become void.

SEC. 16. It shall be the duty of the Secretary of State to have this Act published in one newspaper in each Judicial District of this State, if one be published therein, for three months next preceding the general election, to be holden upon the first Wednesday of September next, for which publication no greater allowance shall be made than the rates allowed by law to the State Printer.

Exceptions.

Punishment of Treasurer for violation.

Claims, when received.

Claims excluded
Blank bonds on hand to be destroyed.

When take effect

Exceptions.

Act, when submitted to people

Ballots, how written.

Votes, subject to what rules.

Cannot be repealed.

Proclamation.

Duty of Secretary of State.

CHAPTER CCXLV.

AN ACT

To provide Revenue for the support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other matter.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty imposed on
paper used for
certain purposes

On bills of ex-
change, &c.

Amount.

SECTION 1. On and after the first day of July, eighteen hundred and fifty-seven, the following duty is hereby imposed on every sheet or piece of paper, or parchment, or other material upon which may be written, printed, engraved or lithographed, any or either of the instruments following, to wit: Any bill of exchange, draft or order, certificate or other written evidence of deposit, whether negotiable or otherwise, or letter of credit to any person or persons, and payable out of this State, if above twenty dollars, and not exceeding fifty dollars, eight cents; if above fifty, and not exceeding one hundred dollars, twenty cents; if above one hundred, and not exceeding one hundred and fifty dollars, thirty cents; if above one hundred and fifty, and not exceeding two hundred dollars, forty cents; if above two hundred, and not exceeding three hundred dollars, sixty cents; if above three hundred, and not exceeding four hundred dollars, eighty cents; if above four hundred, and not exceeding five hundred dollars, one dollar; if above five hundred dollars, and not exceeding seven hundred and fifty dollars, one dollar and forty cents; if above seven hundred and fifty, and not exceeding one thousand dollars, two dollars; if above one thousand, and not exceeding fifteen hundred dollars, three dollars; if above fifteen hundred, and not exceeding two thousand dollars, four dollars; if above two thousand, and not exceeding three thousand dollars, six dollars; if above three thousand, and not exceeding four thousand dollars, eight dollars; if above four thousand, and not exceeding five thousand dollars, ten dollars; if above five thousand, and not exceeding seven thousand dollars, fourteen dollars; if above seven thousand, and not exceeding ten thousand dollars, twenty dollars; if above ten thousand, and not exceeding fifteen thousand dollars, thirty dollars; if above fifteen thousand, and not exceeding twenty thousand dollars, thirty eight dollars; if above twenty thousand, and not exceeding thirty thousand dollars, fifty-six dollars; if above thirty thousand, and not exceeding fifty thousand dollars, ninety dollars; if above fifty thousand, and not exceeding one hundred thousand dollars, one hundred and seventy-five dollars; if above one hundred thousand dollars, two hundred dollars; or any license to practice, or certificate of admission of any attorney-at-law granted by any court in this State, ten dollars; any policy of insurance, contract or instrument in the nature thereof, upon any house, factory machinery, ship, steamer or vessel, of any descrip-

Attorney's
license.

*marked
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tion, any goods, wares, or merchandise, or furniture, or any life insurance, one-half of the duty levied on bills of exchange; any receipt for the payment of money for, or any contract, certificate or memorandum, relative to the purchase of passage from this State to any place out of the limits of, or from any place out of this State, to another place out of the limits thereof, upon any vessel or steamship, if for a first class passage, six dollars; and if for a second class passage, four dollars; and if for a steerage passage, two dollars. *Provided*, That nothing in this Act shall be construed to affect in any way the official drafts of officers of the United States, or of this State.

Insurance policies.

Passenger tickets.

SEC. 2. The Governor, Treasurer, and Secretary of State, are hereby named as Commissioners of Stamp Duties, any two of whom shall form a quorum competent to perform any act herein required of them. Immediately after the passage of this Act and thereafter as often as may be necessary, it shall be the duty of said Commissioners to devise and cause to be made as many seals, differing one from the other in such manner as shall correspond to the several rates herein imposed, that is to say:

Commissioners of Stamp Duties.

Devise and order seals.

One seal for each distinct duty, and to make records of said devices and file the same in the office of the Secretary of State. It shall further be the duty of said Commissioners to immediately publish for proposals for bids and plans for stamping the seals to be devised as aforesaid upon the material required to be stamped, and upon a given day to open said bids to determine upon any plan that may seem best to them, whether contained in the said bids or not, and to award the contract for the impressing of all the seals herein required to be stamped upon paper, parchment, or other material, under such conditions, checks, rules and regulations, as from time to time may be adopted by said Commissioners or by the Legislature, to the lowest and most responsible bidder, for the term of one year, upon his executing a bond for the faithful discharge of his contract, in the sum of fifty thousand dollars with sureties approved by said Commissioners. The said Commissioners shall further establish, and from time to time, when in their judgment proper, shall alter and change such rules and regulations whereby it shall be provided that the Secretary of State shall be responsible for the safe custody of the said seals; and the said seals shall only be used by the Stamp Contractor, under the supervision of the said Secretary; and whereby it shall further be provided that the Secretary shall keep or cause to be kept, a record of each impression made by said contractor; and the said contractor shall be responsible on his bond, according to the said record as aforesaid, that after the stamping the said contractor shall then deliver the papers, or other material so stamped, to the Controller of State, taking his receipt therefor; and whereby further, it shall be provided that the Controller shall so mark, or cause to be marked, such paper or other material, by numbering, or otherwise, as the said Commissioners may direct, so that an accurate counter check upon their genuineness may be made, and shall preserve a record thereof in his office; and said Commissioners shall further provide a system whereby, as far as possible, frauds, either in the using of the seals, or the disposal and custody of the material stamped may be avoided; and in all cases not provided for by this Act, they shall pro-

To be kept by Secretary of State and used only by Contractor.

Papers stamped, delivered to Controller.

Devise means to prevent frauds.

vide for the accountability of parties employed, or acting in any manner in virtue of any provision herein contained; and furthermore they shall particularly investigate all cases of frauds, forgeries, or evasion of this Act, and take such means as may be suitable to subject the offenders to the fines and penalties herein ordered.

Materials
furnished by
Secretary of
State.

SEC. 3. The Secretary of State shall provide all paper, or other material, necessary under this Act, and shall from time to time, as may be needed, issue the same to the Stamp Contractor. The Controller shall keep an accurate record, showing the different rates, as well as the aggregate amount of stamped paper, or other material, received by him from the Stamp Contractor, the date of the receipt, the description of counter-checks placed thereon, and the disposition of the same, whether sold or transmitted to the County Treasurers, or otherwise disposed of. The Controller shall, by some reliable means, distribute to the various County Treasurers such number and denominations of stamped paper, or other material, with his counter-check thereon, as may be needed for sale in said counties, obtaining their receipt therefor, for his own discharge. Upon remitting to the County Treasurers said stamped paper, he shall keep an accurate account with each County Treasurer, showing the amount, as well as the different rates, of stamped paper transmitted to, and receipted for, by said County Treasurers; and the said County Treasurers shall be responsible on their bonds for the value of said papers so receipted for by them, unless the said stamped papers themselves be shown to be in their possession.

Controller to
furnish County
Treasurers.

Responsibility
of Treasurers.

Manner of
procedure in
purchasing
stamped paper.

SEC. 4. Whenever any person shall desire to purchase any stamped papers or parchments of the Controller, the purchaser shall inform the Controller of the amount and denomination of stamped papers or parchments he may wish to purchase, and the Controller then shall give him an authorization, directing the Treasurer of State to receive into the General Fund the amount of money for which the purchase is desired to be made; and upon the Treasurer giving the purchaser a certificate of the fact of his having paid the money, or any part thereof, into the Treasury, the Controller shall deliver to the said purchaser the equivalent in stamped papers or parchments. And any person purchasing at one time, stamped papers as aforesaid, for a sum in the aggregate amounting to fifty dollars, shall be entitled to a deduction of eight per cent. on the aggregate amount of said purchase money.

Persons desiring
sheets stamped.

SEC. 5. When any person shall wish to have any blank sheet or piece of paper, or parchment, or printed, lithographed, or engraved forms, stamped in the manner required in this Act, he may deposit the same in the office of the Secretary of State, accompanied by a memorandum, designating the denomination of the seal, or the rate of duty, that he may wish impressed thereon respectively; whereupon it shall be the duty of the said Secretary of State to cause the same to be stamped in the manner designated in the said memorandum, and the same proceedings and the same deduction shall thereupon be had for the purchase thereof, by the person so making the deposit, as provided for in the foregoing sections.

Papers regarded
as insurance
policies.

SEC. 6. All deeds and writings whatsoever, for the payment of any sum of money upon the contingency of the loss of any ship, steamer, steamship, or other vessel, or of any goods laden, or to be

laden thereon, or damages thereto, shall be construed and adjudged to be policies of insurance within this Act, and chargeable with the several rates of duty hereinbefore mentioned.

SEC. 7. No instrument or writing whatever, executed on or after the first day of July, one thousand eight hundred and fifty-seven, and charged by this Act with the payment of duty as aforesaid, shall be pleaded, or set up, or given in evidence in any court, or admitted to be available in law or equity, but shall be and remain absolutely void, unless the same shall be stamped or marked, as aforesaid.

Papers executed after certain time, to be void unless stamped.

SEC. 8. After a sheet, or piece of paper, or parchment duly stamped, has been once used for any purpose for which a duty is herein imposed, it shall not be lawful to use the same paper or parchment again, for any purpose for which a duty is levied, without previously causing the same to be again stamped.

Same paper to be used but once.

SEC. 9. If any person or persons shall write, print, or engrave, or cause to be written, printed, or engraved, upon any unstamped paper, parchment, or other material, with intent fraudulently to evade, or to assist or aid others, fraudulently to evade any of the duties imposed by this Act, any of the matter and things for which the said paper or parchment is hereby charged to pay any duty, or shall write, print, or engrave, or cause to be written, printed, or engraven, any matter or thing, upon any paper or parchment, or other material that shall be stamped for any lower duty than the duty, by this Act payable, or shall write, print, or engrave, or cause to be written, printed, or engraved, upon any paper or parchment, duly stamped, any matters or things in respect whereof the duty is payable, as aforesaid, at a distance from the stamps impressed thereon, with intent again to use the said paper, parchment, or other material, or with intent fraudulently to evade the duties imposed by this Act, or shall write, print, or engrave, or cause to be written, printed, or engraved, any matters or things in respect whereof a duty is payable, or any stamped paper, parchment, or other material, whereon there shall have been before written, printed, or engraved, any other matter or thing, in respect whereof a duty is payable by this Act, before such paper, parchment, or other material shall have been again duly stamped according to this Act, such person so offending, shall, for every such offense, forfeit the sum of two hundred dollars, one half for the use of the State, and the other half to the use of the informer, who shall be a competent witness thereto. Any person or persons, who shall issue any instrument in writing or otherwise, without such stamp as is herein directed, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding the amount for which said instrument was so illegally issued.

Offenses and evasions.

Forfeit.

Misdemeanor and fine.

SEC. 10. If any person or persons whatsoever shall counterfeit or forge any seal, to resemble any seal which shall be devised or made in pursuance of this Act, or any counter-checks devised by the Commissioners of Stamp Duties, and used by the Controller of State, or shall counterfeit or resemble the impression of the same, upon any paper, parchment, or other material, thereby to defraud, or to permit others to defraud the State of any of the duties imposed by this Act, or shall either vend or sell any paper, parchment, or other material, with such counterfeit impression or such counter-check thereupon, knowing the same to be counterfeited, or

Persons counterfeiting seals or defrauding State.

shall fraudulently use any seal directed or allowed to be used by this Act, in relation to the duties hereby levied, with intent to defraud the State of any of the said duties, or shall fraudulently use said seals, or any one of them, in any manner different from the manner prescribed by this Act, then every person so offending shall be adjudged guilty of a felony, and upon conviction thereof by a Court of competent jurisdiction, shall be fined in any sum not exceeding three thousand dollars, and imprisoned in the State Prison for any time not exceeding seven years.

Guilty of felony,
and penalty.

Additional
Clerks.

SEC. 11. It shall be lawful for each the Controller and Secretary of State to employ additional clerks for the purpose of aiding and assisting them in the discharge of their duties imposed upon them by this Act. *Provided*, That not more than two hundred dollars per month be expended in either office for this purpose.

Duty of County
Treasurers.

SEC. 12. It shall be the duty of the County Treasurers of the various counties to receive and receipt for the stamped instruments, or writings, or blank sheets or pieces of paper, or parchment, sent to them by the Controller, to sell the same to such persons as may wish to buy, making the deduction of five per cent. to such persons as buy for an amount, at any one time, exceeding twenty-five dollars, to place the proceeds of said sales in the General Fund, and to account for and pay over the same to the State Treasury, in the same manner, and subject to the conditions as other moneys received by them for the use of the General Fund, under the same pains, penalties, forfeitures and judgments. The County Auditor quarterly shall settle with the County Treasurers, and shall ascertain the amount of duties realized, and the amount of stamped paper or parchment on hand with the County Treasurer, and shall forward to the Controller of State an accurate statement of said account, within one week after the settlement thereof. *Provided*, That in the counties of San Francisco, Sacramento and Yuba, said settlements shall be made monthly, and monthly the County Treasurers of said counties shall settle with the Treasurer of State for all moneys received by them from the sale of stamps.

Quarterly
settlements.

Violation or
neglect of duty.

SEC. 13. If the Controller or Secretary of State, or any Clerk in either of the said offices, or any County Treasurer, or County Auditor, shall violate or neglect to perform, or perform in any other way than required by this Act, any duty imposed upon them by this Act, or by the regulations of the Commissioners of Stamp Duties, he or they shall be adjudged guilty of a misdemeanor in office, and punished accordingly. Any piece or sheet of paper, or parchment, whether in blank, or printed, or engraven, or lithographed, duly stamped, shall be deemed to be valuable property; and any person stealing, robbing, or purloining, or in any manner unlawfully or fraudulently coming into, or taking possession of the same, or unlawfully using the same for the sake of gain, or any public officer, or stamp contractor, or any person employed by him, unlawfully or fraudulently disposing of the same in a manner not provided for by this Act, shall be guilty of petty, or grand larceny, as the case may be, according to the value of the stamped paper or parchment so taken, possessed or used as aforesaid, or the aggregate value thereof, if more than one be so taken or used at the same time.

Persons guilty of
larceny.

Monthly report
of Controller.

SEC. 14. Upon the last Saturday in each month, it shall be the duty of the Controller to transmit to the Commissioners of Stamp

Duties a report, showing the number and denomination of stamped papers or parchments receipted for by him, and the disposition of the same; if by sale, the aggregate amount of authorizations issued by him to the Treasurer of State, and the aggregate amount of money acknowledged by the said Treasurer therefor; and if by transmission to the County Treasurers, the aggregate amount thereof, stating the fact of his having their receipts in his possession. Upon the same day, the Secretary of State shall also report to the Commissioners of Stamp Duties, the number and denomination of papers and parchments stamped by the Stamp Contractor, and it shall be the duty of said Commissioners to receive said reports, and to consider as well the information therein contained, and that derived from such other sources as they may deem proper, in order that they may see that this Act is faithfully carried out and obeyed.

Report of Secretary of State.

Duty of Commissioners.

SEC. 15. The Stamp Contractor shall be responsible and chargeable on his official bond for all the papers and parchments stamped by him, for which he cannot produce the Controller's receipt, and the Controller of State shall be responsible and chargeable upon his official bond, for all the stamped papers or parchments receipted for by him to the Stamp Contractor, for which he, the said Controller, cannot produce either the receipt of the County Treasurer, or the receipts of the money paid into the Treasury by purchasers, signed by the Treasurer of State.

Responsibility of Contractor and of Controller.

SEC. 16. Any person who shall cut, engrave or make, or cause to be cut, engraved or made, any seal to resemble a seal devised or made in pursuance of this Act, or any person who shall have in his or her possession any seal resembling a seal devised or made as herein provided for, with the intent to defraud, or to aid in defrauding, the State of the duty herein imposed, shall be held guilty of a felony, and be subject to the pains and penalties provided in section ten of this Act.

Persons guilty of felony.

SEC. 17. The sum of ten thousand dollars is hereby appropriated out of any money in the Treasury, and belonging to the general fund not otherwise appropriated, for the purpose of carrying out the provisions of this Act, to be drawn under the supervision of the Commissioners of Stamp Duties, on the warrant of the Controller. The said commissioners shall only audit the accounts of the Stamp Contractor upon an examination of the record made under the supervision of the Secretary of State, and of the receipts of the Controller, and upon such other evidence as to them may be satisfactory.

Appropriation.

Accounts of Contractor, how audited.

SEC. 18. If from any cause a sufficient number of stamps for general use can not be distributed in the various counties by the time designated in the first section of this Act, upon the said Commissioners publishing a certificate of that fact, and filing the same in the office of the Secretary of State, this Act shall be suspended until the first day of August next; and if at any time the Stamp Contractor shall, from any cause whatever, fail to discharge the conditions of his contract so that the public interest thereby may be exposed to material injury, the said Commissioners, upon the determination of that fact by them, are authorized to suspend his contract until further action by the succeeding Legislature, and to provide ways and means otherwise for the proper carrying into effect of this Act.

Circumstances under which this Act is suspended

CHAPTER CCXLVI.

AN ACT

To supply the City of Nevada with Water, and to protect the City against Fires.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Trustees power
to grant rights.

SECTION 1. The Board of Trustees of the city of Nevada, shall have power to grant to any person or person, the sole and exclusive right for the term not exceeding twenty years, to lay pipes through the city, for the purpose of supplying the city with water, and for the protection of the city against fires, on the conditions hereinafter imposed. But this Act shall not be held to take away or impair any right of any company or individual, to supply said city or inhabitants thereof with water, acquired before any grant or contract shall be made, by virtue of this Act.

Specifications to
be published.

SEC. 2. The Board of Trustees shall publish for three weeks, in a newspaper printed in the city of Nevada, specifications giving the character of the work to be done by the grantees, the size and material of the pipes, the depth at which they shall be laid, the point at which the work shall commence, the number, size, and construction of hydrants, and the points where the same shall be placed, the time when the work shall be commenced and finished, and all other specifications that may be necessary to a full understanding of the nature and probable expense of the work to be done, and to furnish the city with an abundant supply of water, at all times.

Submitted to
people.

SEC. 3. Said specifications shall be submitted to the people at a city election, to be approved or rejected. If approved by a majority of the people, the Trustees of the city may proceed to make the grant specified in section first of this Act. If rejected by a majority of the people, other specifications may be made out, and published as before provided, and a special election may be called for the purpose of determining the will of the people upon the same.

Special election.

Rates
established.

SEC. 4. The grantees shall have the right to collect such rates, and no other, as shall be annually established by the Board of Trustees for the use of water; but the Board of Trustees shall not, at any time, establish such rates as may reduce the rate of interest on the capital invested, below two per cent. per month.

CHAPTER CCXLVII.

AN ACT

Explanatory of and supplementary to an Act entitled an Act amendatory of and supplementary to An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof, approved April 19th, 1856, passed April 18th, 1857.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized to audit, allow and pay all claims which are or may be found due to J. Horace Kent, Coroner of said county, for services rendered by said Kent, as such Coroner, from the 26th day of March, A. D. 1856, to the 18th day of April, A. D. 1857, according to the rate and manner in which his accounts for such services were allowed by the Board of Supervisors last preceding the present Board of Supervisors of the county of San Francisco. *Provided*, There shall not be allowed to said Kent a greater sum than six thousand dollars. And the said Board is also authorized to audit and allow the claims of Messrs. Carvallo and Lussey, for services as Interpreters in the County (Courts) of said city and county, from the first day of July, 1856, to the 18th day of April, 1857, at the rate of not exceeding one hundred dollars per month for each interpreter, all of which claims, after having been duly audited and allowed, shall be paid out of the General Fund in the same manner as other lawful demands against said city and county. *Provided, further*, That all payments made said Coroner during said period, shall be deducted from the amount allowed under this Act.

Claims allowed.

Proviso.

CHAPTER CCXLVIII.

AN ACT

To amend an Act entitled "An Act to authorize the County of Sacramento to fund the outstanding Warrants drawn against the Court House and Jail Fund of the County," approved March 5th, 1855.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eleven of said Act is amended as follows:

Moneys set
apart.

Section eleven. It shall be the duty of the County Treasurer, on the first day of May and November of each year, to set apart all the moneys in his hands arising from the tax authorized by this Act as a Sinking Fund for the redemption of said bonds. He shall, also, on the second Monday of June and December of each year, advertise in a public newspaper published in each of the cities of Sacramento and New York, for the space of ten days, for proposals for the redemption of said bonds; the advertisement to set forth the amount in the County Treasury for that purpose, and the day, time and place, when the proposals will be considered; and on the first Monday of September and March thereafter, the County Treasurer shall receive and consider said bids, and such bids shall be accepted as shall cancel the greatest amount of said bonds. *Provided*, That no bid for more than par value shall be accepted.

Advertise for
proposals.

CHAPTER CCXLIX.

AN ACT

To amend an Act entitled "An Act to incorporate the City of Nevada," approved April 19, 1856.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The thirteenth section is amended so as to read as follows:

Unpaid taxes,
how collected.

If any person fail to pay any tax levied upon his real or personal property, the Collector of City Taxes may recover the same by suit,

in the name of the city, before any court of competent jurisdiction, together with all costs of suit, or may enforce the collection of such tax by seizing and selling the property of the party delinquent, in the mode prescribed by law for the collection of State and County taxes, and any property so sold, shall be sold subject to all the provisions, and the officer so selling shall have all the rights, and and be subject to all the duties prescribed by law for the collection of State and County taxes.

CHAPTER CCL.

AN ACT

To separate the office of Collector of Taxes from the office of Sheriff, in the County of El Dorado.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of March next, the office of Collector of Taxes, in the County of El Dorado, shall be ^{Offices separated} separated from the office of Sheriff.

SEC. 2. At the next general election there shall be elected in said county a Collector of Taxes, who shall enter upon the duties of his office on the first Monday of March next, and shall hold such office for two years and until his successor shall have been elected and qualified. ^{Election of Tax Collector.}

SEC. 3. All duties and liabilities heretofore imposed upon the Sheriff of said county, as Collector of Taxes, shall attach to the office hereby created, and the Collector of Taxes elected under the provisions of this Act, shall give bond in the sum of forty thousand dollars, to be approved in the same manner. ^{Duties and liabilities.}

SEC. 4. The Collector of Taxes elected under the provisions of this Act, shall collect all State and County taxes, all Foreign Miners' License taxes, all kinds of public dues, which, under existing laws, are now collected by the Sheriff and Treasurer, and shall receive for his services the same compensation which is now allowed to the Sheriff and Treasurer. ^{Duties specified Compensation.}

SEC. 5. All Acts and parts of Acts inconsistent with the provisions of this Act, so far as the same relates to the County of El Dorado, are hereby repealed. ^{Repeal.}

CHAPTER CCLI.

AN ACT

To amend an Act entitled "An Act to fix the Terms of the District Court in the County of San Mateo," passed January 17th, 1857.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the Act entitled "An Act to fix the terms of the District Court in the County of San Mateo," passed January 17th, A. D. 1857, is amended so as to read as follows :

District Court,
when held.

Section one. The terms of the District Court of the Twelfth Judicial District, shall commence and be held in and for the County of San Mateo, on the third Monday of April, August and December, in each year, and may continue until all the business shall be disposed of, or until the day fixed by law for holding another term in the same district.

CHAPTER CCLII.

AN ACT

To authorize the County of Sacramento to fund the outstanding Warrants drawn on the several funds of the County prior to the first day of November, eighteen hundred and fifty-five.

[Approved April 27, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Warrants to be
funded.

Commissioners
appointed.

SECTION 1. The County of Sacramento is hereby authorized to fund all warrants drawn against the several funds of the county prior to the first day of November, eighteen hundred and fifty-five, and the County Auditor and County Treasurer, are hereby appointed Commissioners for the purpose, who shall hold their office until the first day of October, eighteen hundred and fifty-seven, when their power shall cease.

SEC. 2. Any person holding outstanding or unredeemed county

warrants, drawn against any of the several funds of the county prior to the first day of November, eighteen hundred and fifty-five, shall have the privilege of receiving in lieu thereof bonds as provided for in this Act, if said warrants shall be presented for funding at the office of the Commissioners on or before the first day of September, eighteen hundred and fifty-seven, and in funding said warrants bonds shall be issued for the amount of the principal and interest due thereon on the first day of May, eighteen hundred and fifty-seven.

Warrants
exchanged for
bonds

Bonds issued.

Sec. 3. The said Commissioners shall have power to issue, on part of said county, bonds bearing date on the first day of May, eighteen hundred and fifty-seven, which bonds shall be signed by the County Auditor and County Treasurer, and shall be in substance as follows, to wit: That the county of Sacramento is indebted to the holder thereof, in a sum to be expressed therein, not less, however, than one hundred dollars, bearing interest at the rate of ten per cent. per annum, payable semi-annually, on the first day of January and July, upon coupons annexed to such bonds, interest payable at the office of the County Treasurer of said county, and the principal sum to be redeemable ten years from date at the office of the County Treasurer of said county; the coupons for the interest on said bonds shall be signed by the County Treasurer and annexed to and delivered with each bond.

Coupons, how
signed.

Sec. 4. The said Commissioners, within ten days after the first day of October, eighteen hundred and fifty-seven, shall deliver to the Board of Supervisors of the county of Sacramento the books and papers belonging to said Commission, and all warrants canceled by them, by the issue of bonds, together with a register of the bonds issued by them, and shall make out and file a list of such bonds in the office of the County Auditor and County Treasurer.

Commissioners
to deliver to
Supervisors,
books, papers,
&c.

Sec. 5. Upon the completion of the duties imposed by this Act, the Commissioners shall be entitled to the sum of one hundred dollars each, and such further sums as shall be required to carry this Act into effect, such as providing blank bonds, and the incidental expenses of said Commission, not to exceed, however, the sum of seven hundred dollars; the said sums to be collected, *pro rata*, from the holders of said warrants

Compensation of
Commissioners.

Sec. 6. It shall be the duty of the officer required by law to make up a tax list for the Collector of said county, to add a sufficient per-centage to the taxes authorized by law for State and County purposes, to pay the yearly interest on the bonds issued under the provisions of this Act, which may be outstanding, and it shall be the duty of the County Treasurer to set apart, out of the moneys received by him from the taxes assessed for county purposes, a sum sufficient to pay the interest on said bonds.

Per centage
added to taxes.

Sec. 7. It shall be the duty of the Board of Supervisors of Sacramento County, to assess, annually, in addition to the tax as now by law authorized to be assessed, a tax of five cents on each hundred dollars worth of all the taxable property of said county, as a "Sinking Fund," for the gradual redemption of the bonds issued by virtue of this Act.

Additional tax.

Sec. 8. It shall be the duty of the County Treasurer on the first day of January, eighteen hundred and fifty-eight, and yearly thereafter, to set apart all the moneys in his hands arising from

Duty of County
Treasurer.

Advertisement
to state.

Commissioners,
when organize.

the tax authorized by this Act, as a "Sinking Fund," for redemption of said bonds; he shall, also, on the first day of February, eighteen hundred and fifty-eight, and yearly thereafter, advertise in some newspaper published in Sacramento City, for the space of ten days, that he will sell the money in said fund to the person who will cancel the greatest amount of said bonds, the advertisement to state the amount of money in the treasury for that purpose, and the day and time when such sale shall take place; and, *provided*, that no bids shall be received for more than par value.

SEC. 9. The Commissioners shall organize in ten days after the passage of this Act, and shall be liable on their official bonds for the faithful performance of their duties, in carrying out the provisions of this Act.

CHAPTER CCLIII.

AN ACT

To amend an Act to define the Time when the County Officers of Sierra County shall enter upon the discharge of their duties, approved April second, one thousand eight hundred and fifty-six.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Officers, when
enter upon duty.

SECTION 1. It shall be lawful for the county officers, except County Judge of Sierra County, elected at the general election, to be held in September, one thousand eight hundred and fifty-seven, to enter upon the discharge of their duties on the second Monday of June, one thousand eight hundred and fifty-eight, and shall hold their offices until the general election in September, one thousand eight hundred and fifty-nine, and until their successors are elected and qualified.

When elected.

SEC. 2. The county officers required by law for Sierra County, (except to fill vacancies,) shall be elected at the general election, in the year one thousand eight hundred and fifty-seven, and at the general election of every succeeding two years thereafter, and shall enter upon the discharge of the duties of their respective offices, on the first Monday in the month next succeeding such election.

Repeal.

SEC. 3. All Acts, or parts of Acts conflicting with the provisions of this Act, so far as the county of Sierra is concerned, are hereby repealed.

CHAPTER CCLIV.

AN ACT

Concerning Certified Copies of certain Instruments in Writing.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Copies of all papers lately belonging to the United States Board of Commissioners for the settlement of Private Land Claims in California, and on file in the office of the Surveyor General of the United States for the State of California, and all copies of documents and papers belonging to said Surveyor's Office, which copies shall have been duly certified to be true copies by said Surveyor, shall be received and read in evidence in the same manner and with like effect as the originals. Papers specified, copies of which to be received as evidence.

SEC. 2. Duly certified copies of deeds regularly recorded, upon the acknowledgment or proof of execution by the party or parties thereto, subject however to all legal exception that might be taken to the original if produced, shall be received in evidence in all the Courts of this State, without any further or other proof of the execution thereof, in the same manner and with like effect as if the originals were produced and proven. *Provided*, It be shown that the said originals are not under the control of the party offering the said copies, or are lost. Copies of deeds.

SEC. 3. Any person wishing, in order to obtain the benefit of this Act, to establish the genuineness of any patent for land, issued by the United States, or by this State, may apply for that purpose to the District Court of the Judicial District in which the pretended lands, or any part thereof are situated, after giving public notice of the time of his making said application, at least five days previous to the hearing thereof, either by one insertion in a newspaper, where there is one published in the county wherein the lands or parcels of land in said district may be situated, or in default thereof by posting said notice on the court house door of said county. *Provided*, That notice shall not be required to be given in more than one county. Upon proof being made that the said notice was duly given, the District Court shall proceed to inspect the patent, and upon being satisfied that it is genuine, may indorse thereupon, or annex thereto, an order under the seal of the Court, declaring said patent to be genuine, and if the Court be not satisfied that the said patent is genuine, then no other shall be entered or made relative thereto. Genuineness of patents for land, how established.

SEC. 4. It shall be the duty of the County Recorder of each county in this State, to provide a separate book to be called "The Record of Patents," wherein shall be recorded all patents of lands or parcels of land situate in their county, whether issued by the United States or the State of California, which may be offered for record, authenticated as in the foregoing section mentioned, and a Books for record of patents.

duly certified copy of any patent recorded as aforesaid, may be offered in evidence in any proceeding or action in this State, with the same effect and force as the original duly exhibited and proven.

CHAPTER CCLV.

AN ACT

To Fund the Debt of the County of Siskiyou.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Funding
Commissioners.

SECTION 1. In order to fund the debt of the County of Siskiyou, the Chairman of the Board of Supervisors, the County Auditor and County Treasurer of said county, and their successors in office, shall constitute a Board of Commissioners, to be styled "The Funding Commissioners" of the County of Siskiyou, and shall have and exercise the powers hereinafter provided.

Duty of.

SEC. 2. It shall be the duty of the said Funding Commissioners to cause to be prepared bonds, equal to the present county indebtedness, together with all the indebtedness that shall have accrued on or before the first day of January, one thousand eight hundred and fifty-eight. Said bonds shall be of the denomination of one hundred, and five hundred dollars, each ; and each and every bond shall purport, in substance, that the County of Siskiyou owes the holder thereof a sum to be expressed therein, bearing interest at the rate of ten per cent. per annum, from the date of their issue, the interest to be paid on presentation, at the office of the County Treasurer, on the first day of January, A. D. one thousand eight hundred and fifty-nine ; and after which time, it shall be due and payable on the first day of January, annually, thereafter, until said bonds are paid and liquidated. Said bonds shall be due and payable at the office of the County Treasurer of said county, on or before the first day of January, one thousand eight hundred and sixty-nine. Said bonds shall be signed by the Chairman of the Board of Supervisors of said county, and countersigned by the County Auditor, and indorsed by the County Treasurer, and shall have the seal of the county annexed thereto.

Commissioners
to keep account
of bonds signed,
and examine
warrants.

SEC. 3. It shall be the duty of the said Funding Commissioners to keep an account of the number, denomination and amount of all bonds signed by them, in accordance with the provisions of this Act, and it shall be the duty of said Commissioners to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued, according to the County Treasurer's and

Auditor's books, corresponding to the entries therein ; and no others than those found to be true and lawful ones, shall be funded.

SEC. 4. It shall be the duty of the Auditor and Treasurer Separate records aforesaid, each, to keep a separate record of all such bonds as may be issued in accordance with this Act, showing the number, date and amount, and to whom issued, together with the coupons that may be issued.

SEC. 5. Coupons for the interest shall be annexed to each bond; Coupons, how signed. said coupons shall express the amount of interest due at the respective periods herein named, and shall be signed by the Chairman of the Board of Supervisors and County Treasurer. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Auditor, taking his receipt therefor, whose duty it shall be to file the same in his office.

SEC. 6. All persons having any indebtedness of the county of Siskiyou, payable on or before the first day of January, one thousand eight hundred and fifty-eight, whether in warrants drawn upon the Treasurer, or accounts audited or allowed by the Board of Supervisors, or accounts against the county which have accrued prior to the first day of January, one thousand eight hundred and fifty-eight, and which may be audited and allowed after that time, shall be entitled to fund the same by virtue of this Act. *Provided,* Claims entitled to funding. That for any fractional sum less than the amount of the bonds authorized to be issued, said Commissioners shall issue to the holder of the county warrant a certificate of such fractional sum, and upon the presentation of the same to the County Auditor, he shall draw a warrant upon the County Treasurer for the amount so certified. *And, provided, further,* Said warrants must be presented within three months after the first day of January, one thousand eight hundred and fifty-eight, to the Treasurer of said county. Proviso.

SEC. 7. Whenever any bonds shall have been paid and redeemed by the County Treasurer, he shall mark the same canceled over his signature, as Treasurer, and immediately deliver the same to the County Auditor, taking his receipt therefor; and the County Auditor, upon receipt of such canceled bonds, shall file the same in his office. Canceled bonds, how disposed of.

SEC. 8. In addition to the ordinary taxes for county purposes, there shall for the year A. D. one thousand eight hundred and fifty-eight, and annually thereafter, until the principal and interest of said bonds to be issued shall be fully provided for, as hereinafter provided, be levied and collected,—at the same time, and in the same manner, as other revenues of said county,—a special tax, to be called "The Interest Tax," of thirty-five cents on each one hundred dollars of taxable property; which tax shall be collected in the legal currency of the State of California, and paid over to the County Treasurer. The fund derived from this tax, shall be applied only to the payment of the interest accruing upon said bonds, as herein provided. *Provided, however,* That should said fund furnish a surplus, over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the "Sinking Fund" herein provided for. Special tax authorized.

SEC. 9. It shall be the duty of the County Treasurer of Siski-

Interest Fund
insufficient

Arrangements
authorized.

Sinking Fund.

Advertisement
for proposals to
redeem bonds.

Proviso.

Record of
Sinking Fund
open for inspec-
tion.

Expense of
bonds, how paid.

you County, to make certain arrangements for the payment of the interest of said bonds, when the same falls due, at least thirty days before the time of payment; and in the event that said Interest Fund is insufficient, the said Treasurer shall draw on the General Fund of the county for such purpose, and in the event that should prove inadequate, the said Treasurer is authorized, and required, by and with the advice and consent of the Board of Supervisors of said county, to make such contracts and arrangements as may be necessary for the payment of said interest, and for the protection of the credit of the County of Siskiyou.

SEC. 10. It shall be the duty of the Treasurer of said county, to set apart a fund, to be called the "Sinking Fund of the County of Siskiyou." Into said fund shall be paid, first, any and all surplus of the Interest Fund, as aforesaid; second, whatever surplus may remain in the treasury of said county on the first day of January, A. D. one thousand eight hundred and fifty-nine and annually thereafter, after paying the ordinary yearly expenses of the county; each of such payments to be continued until the said Sinking Fund shall be sufficient for the payment of the principal and interest of the bond aforesaid; and when the same shall have been paid and liquidated, the same shall cease; and all surplus remaining in the Sinking Fund, shall be paid into the General Fund of said county. Whenever at any time there shall be in the Sinking Fund, a sum of money amounting to one thousand dollars, or upwards, the County Treasurer shall advertise, in a public newspaper published in said county, for the space of thirty days, for sealed proposals, for the redemption of said bonds; the advertisement to specify the day, hour and place the sealed proposals will be opened. At the time specified, the Treasurer shall open the sealed proposals at his office, in the presence of the Chairman of the Board of Supervisors, and such other persons as may wish to be present, and shall pay and liquidate said bonds presented, at the lowest value at which they may be proposed to be liquidated. *Provided*, the same shall not be for more than their par value. *And, provided*, That should there be no proposals made for less than par value, then the payments shall be made *pro rata*, on all bonds. *And, provided*, whenever there shall be a sufficient amount in the Sinking Fund for the extinguishment of the debt of said county, it shall be the duty of the Treasurer to advertise, in some newspaper published in the county, for the space of thirty days, for the redemption of the outstanding bonds of said county; after which time, said bonds shall cease to bear interest.

SEC. 11. A full and particular account and record of the Sinking Fund shall be kept by said Treasurer, and shall at all times be open for the inspection of the Auditor, Board of Supervisors, and Grand Jury; and upon demand of the Grand Jury of said county, the Treasurer shall cause a concise statement of the condition and business of said fund, and of the amount of bonds issued, to whom issued, to be published as they may designate.

SEC. 12. The County Treasurer shall pay out of any money in the Treasury, not otherwise appropriated, any and all expenses that he may incur in having said bonds prepared. *Provided*, The sum so paid out shall not exceed two hundred dollars.

SEC. 13. The Funding Commissioners shall receive such com-

compensation for their services as the Board of Supervisors may allow to be paid out of the County Treasury, as other charges against the county are paid. Compensation of Commissioners.

SEC. 14. On the first day of January, one thousand eight hundred and fifty-eight, the County Treasurer of Siskiyou county shall advertise in some newspaper published in said county, for the space of thirty days, that from and after that day the funding of the then outstanding indebtedness of Siskiyou county will commence, from which time it shall not be lawful for the Treasurer of said county to pay or liquidate any of the then outstanding indebtedness of said county in any other way than by funding it in accordance with the provisions of this Act; nor shall said Treasurer, under any pretense whatever, liquidate or pay any portion thereof, only in accordance with such provisions. The expenses for publishing shall be paid out of the general county fund. Funding of debt.

SEC. 15. After the first day of January, one thousand eight hundred and fifty-eight, the Board of Supervisors of said county shall contract no debts and incur no liabilities that shall singly, or in the aggregate with any other previous debt or liabilities contracted or incurred after the said first day of January, to exceed one thousand dollars more than the amount of moneys in the County Treasury subject to the payment of the same. Debts contracted after certain time.

SEC. 16. Any county officer or officers of the county of Siskiyou, willfully neglecting or refusing to comply with the requisitions or provisions of this Act, shall be deemed guilty of a misdemeanor in office, and fined in any sum not less than two hundred nor more than one thousand dollars, to be recoverable before any court of competent jurisdiction, or dismissal from office, or both such fine and dismissal, in the discretion of the court. And it is hereby made the duty of the County Attorney to prosecute all delinquents under this Act. Violation of Act, how punished.

SEC. 17. The District Court having original jurisdiction in the county of Siskiyou, shall have power to enforce obedience to the provisions of this Act, and for that purpose may issue process of mandamus, prohibition, and all other writs, authorized by law. Power of Dist. Court.

SEC. 18. All fines and penalties collected under the provisions of this Act shall be paid into the general county fund for county purposes. Fines and penalties.

CHAPTER CCLVI.

AN ACT

To amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their duties and powers."

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-second of said Act, of which this Act is amendatory, is hereby amended so as to read as follows :

Supervisors to have no interest in sales, purchases, or contracts for county.

Misdemeanor.

Supervisors interested.

Manner of proceeding.

Section twenty-two. No member of the Board of Supervisors shall be interested, directly or indirectly, in any property purchased for the use of the county, or in any purchase or sale of property belonging to the county, nor in any contract made by the county for the erection of public buildings, the opening or improvements of roads, or the building of bridges, or for other purposes ; and a violation of this section shall be a misdemeanor. But whenever an application shall be made to a Board of Supervisors of any county in this State for an order or license in relation to any turnpike road, bridge, or ferry, or other application, and it shall be made to appear that a majority of said Board are not disinterested, as above specified, in relation to the order, or license, or other application, it shall be lawful, and is hereby made the duty of such Board, to certify all proceedings in relation to such application, to the Board of Supervisors of an adjoining county, who are hereby empowered and directed to act upon such application, in all respects, as though the same had been made originally to such Board for a like order within their respective counties.

CHAPTER CCLVII.

AN ACT

Authorizing the Judge of the Ninth Judicial District to hold a Special Term of the District Court in and for the County of Tehama.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Judge of the Ninth Judicial District is hereby authorized to hold a special term of the District Court, in and for the County of Tehama, to commence on the fourth Monday of August, A. D. 1857. Special term,
when held.

CHAPTER CCLVIII.

AN ACT

To amend an Act entitled "An Act concerning Sheriffs," passed April 29, 1851.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fifty-seven of the Act entitled "An Act concerning Sheriffs," passed April 29, 1851, of which this Act is amendatory, is hereby amended so as to read as follows :

Section fifty-seven. Process and orders in an action or proceeding may be executed by a person residing in the county designated by the Court, the Judge thereof, or a County Judge, and denominated an Elisor, in the following cases :

First, When the Sheriff and Coroner are both parties.

Second, When either of these officers is a party and the process or orders are against the other for a disobedience of an order or process therein. And

Third. When either of these officers is a party and there is a vacancy in the office of the other, or when it shall be made to appear by affidavit, to the satisfaction of the Court in which the suit or proceeding is pending, or the Judge thereof, that either of said officers, by reason of any bias, prejudice, or other cause, would not act promptly and impartially.

Elisors to act in
cases designated

CHAPTER CCLIX.

AN ACT

To authorize Priscilla H. Denham to sell certain Real Estate belonging to her minor Children.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authority to sell given.

SECTION 1. It shall be, and it is hereby made lawful, for Priscilla H. Denham, wife of F. L. Sargent, to sell, either at public or private sale, the whole, or any part or portion of the land or lots, in the city of San Francisco, known on the official map of said city as fifty-vara lots, numbered eight hundred and sixty-eight, (868,) and eight hundred and seventy-one, (871) ; said lots being the property of her minor children, Seth H. Lincoln, Granville H. Lincoln, and George S. Lincoln, by her former husband, Seth H. Lincoln. And it shall be, and it is hereby made the duty, of the said Priscilla to retain the proceeds arising from any such sale in her own hands, free and independent of the control of her husband, and to apply the same, from time to time, exclusively to the maintenance and education of the aforesaid children of Seth S. Lincoln, and to render, whenever she may be required so to do, to the Probate Court of the County of San Francisco, a true and correct account of her receipts and expenditures, arising from the sale of the aforesaid lots and the maintenance and education of her aforesaid children.

Lots specified.

Owners named.

Rights conveyed

SEC. 2. Any deed or conveyance hereafter executed by the said Priscilla H. Denham, wife of F. L. Sargent, for either the whole or any part or portion of the real estate mentioned in this Act, shall absolutely and forever convey to and vest in the grantee or grantees all the right, title, interest, claim, demand, reversion and remainder, legal and equitable, of the aforesaid minor children of the said Priscilla H. Denham, by her former husband, Seth S. Lincoln, in and to the property described in such deed or conveyance. *Provided, however,* That no sale of said real estate shall be made until after the said Priscilla has filed in the Probate Court bonds satisfactory to the Probate Judge, conditioned that the funds arising from the sale or sales shall be exclusively and entirely appropriated and used for the maintenance and education of said minor children. *And, provided further,* That no deed or conveyance for the said real estate, or any part thereof, shall be valid or convey any title, unless the sale shall have been confirmed by the Probate Court previous to the execution of such deed or conveyance.

Proviso.

CHAPTER CCLX.

AN ACT

To Legalize the Acknowledgments taken by the Recorders and their deputies, in the Counties of Monterey and Los Angeles.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All acknowledgments heretofore taken by the Recorder or his deputy, in the Counties of Monterey and Los Angeles shall have the same force and effect in any Court of this State as though taken before a duly authorized Notary Public, and said Recorder and his deputy shall have the same power to take acknowledgments as Notaries Public.

Certain acknowledgments legalized.

CHAPTER CCLXI.

AN ACT

To provide Revenue for the Support of the Government of this State.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. An annual *ad valorem* tax of seventy cents upon each one hundred dollars value of taxable property is hereby levied and directed to be collected and paid for State purposes, upon the assessed value of all property in this State not by this Act exempt from taxation; and upon the same property the Board of Supervisors of each county is also hereby authorized and empowered annually to levy and collect a tax for county expenditures not exceeding fifty cents on each one hundred dollars; and upon the same property the Board of Supervisors of each county is also hereby authorized and empowered annually to levy and collect such additional and special taxes as the laws of this State may authorize or require them to levy and collect. *Provided, however,* That whenever the Board of Supervisors levy any tax, they shall cause such levy to be entered on the record of their proceedings, and shall direct their Clerk to deliver a certified copy thereof to the Assessor, Tax Col-

Amount of tax levied for State purposes.

For County expenses.

Special taxes.

Taxes paid in coin.

lector, Auditor and Treasurer, each of whom shall file said copy in his office. All taxes levied under the provisions of this Act shall be paid in the legal coin of the United States, or in foreign coin at the value fixed for such coin by the laws of the United States. *Provided, however,* That county taxes levied in accordance with the provisions of any special Act may be collected in such funds as in such special Act may be provided.

Property not taxed.

SEC. 2. All property, of every kind and nature whatsoever, within this State, shall be subject to taxation, except—

First. All lands and lots of grounds, with buildings, improvements, and structures thereon, belonging to the State, or to any municipal corporation, or to any county of the State; and all lands belonging to the United States, or to this State; and all buildings and improvements belonging to the United States or to this State.

Second. Court houses, jails, town halls, council chambers, market houses, houses occupied by fire companies and their apparatus, and other public structures and edifices; and all squares and lots kept open for health, or public use, or for ornament, belonging to any county, city, town or village in this State.

Third. Colleges, school houses, and other buildings for the purpose of education, with their furniture, libraries, and all other equipments, and the lots or lands thereto appurtenant and used therewith, so long as the same shall be used for that purpose, unless the same are private property, from which a rent or valuable consideration for their use is derived; in which latter case, they shall be taxed as other property.

Fourth. Public hospitals, asylums, poor houses, and other charitable or benevolent institutions for the relief of the indigent or afflicted, and the lots or lands thereto appurtenant, with all their furniture and equipments, so long as the same shall be used for that purpose only, and without pecuniary gain.

Fifth. Churches, chapels, and other buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant thereto and used therewith, provided rent is not paid for such ground, so long as the same shall be used for such purpose only, without yielding rents.

Sixth. Cemeteries and grave yards, set apart and used for the purpose of interring the dead.

Seventh. The property of widows or orphan children, to the amount of one thousand dollars.

Eighth. Growing crops.

Ninth. Mining claims.

Duty of County Assessors.

SEC. 3. Between the first Monday in March, and the first Monday in August, in each year, the County Assessor, (except otherwise instructed by special enactment,) shall ascertain, by diligent inquiry and examination, the names of all persons, corporations, associations, companies or firms, owning, claiming, or having the possession, charge or control of any real estate, and all improvements on public lands, or personal property, situate, or being within the county, and the full cash value of all such real estate, improvements, and personal property, not by this Act exempt from taxation, and he shall list, or assess all such real estate, improvements and personal property, to the person, firm, corporation, association or company owning it, or having the possession, charge or control

of it; and he shall demand from each person and firm, and from the President, Cashier, Treasurer, Secretary, or managing agent of each corporation, association, or company, within his county, a statement under oath, of all the real estate, improvements on public lands or personal property within the county, owned or claimed by such person, firm, corporation, association, or company, or which is in the possession, or under the control of such person, firm, corporation, association, or company, and if any person shall refuse, or neglect to give, under oath, the above required list or statement of all his property, and of all the property he claims, or has the possession of, and of all the property, the firm of which he is a member owns, claims, or has possession of, and of all the property any corporation, association or company of which he is president, cashier, treasurer, secretary or managing agent, owns, claims or has possession of, and of all the property which he or his firm or the corporation, association or company of which he is president, cashier, treasurer, secretary or managing agent, has the charge, possession or control of; or if the owner or claimant of any property shall be absent or be unknown, or be a non-resident, it shall be the duty of the Assessor to make an approximate estimate of the value of such property, taking care that the revenue of the State shall not be diminished in consequence of any refusal to give a list of property under oath; and the estimate so made by the Assessor shall be final and conclusive, so far as personal property is concerned, unless the party owning, claiming or having the possession, charge or control of the same, shall thereafter—prior to the first Monday of August, or within three days after a demand for the taxes on such assessment shall be made, if said demand is made prior to the first Monday of August—render to the Assessor, under oath, the statements required by this Act; and the estimate made by the Assessor under the provisions of this section shall be final and conclusive in regard to real estate, and improvements on public lands, unless such estimate is altered by the Board of Equalization. *Provided*, All real estate, improvements and personal property shall be assessed to a person, firm, corporation, association or company, as herein provided, and to all owners and claimants known or unknown.

Neglect or refusal to give required statement.

Assessor to make estimate.

Final and conclusive in regard to personal property.

Exception.

Estimate final as to real estate.

Exception.

SEC. 4. It shall be the duty of the Assessor to prepare a tax list or assessment roll, alphabetically arranged in a well bound book or books, in which book or books shall be listed or assessed all the real estate, improvements on public lands, and personal property within the limits of the county; and in the said book or books he shall set down, in separate columns:

Tax list, how arranged.

First. The names of all taxable inhabitants.

Second. All real estate and improvements on public lands taxable to each, giving the metes and bounds, or describing by lots or fractions of lots, or otherwise, all real estate and improvements on public lands in any city or incorporated town, and giving the quantity of acres as near as possible, of each tract outside such city or town and the locality and township where it is situated. *Provided*, That whenever two or more parties claim or give in a description of the same land, it shall be assessed to each party making such claim or giving such description, according to the estimated value of the claim of each.

Proviso.

Third. The cash value of the same.

Fourth. The cash value of all improvements on real estate.

Fifth. The cash value of all improvements on public lands.

Sixth. The cash value of all personal property, except improvements on real estate taxable to each. And

Seventh. The Assessor shall also, in another book make a map or plan of the various blocks within any incorporated city or town (when directed so to do by the Board of Supervisors of the county in which such town or city is situated,) and shall mark thereon the various sub-divisions as they are assessed; and in each sub-division he shall mark the names of the persons to whom it is assessed. *Provided*, That in the City and County of San Francisco the form of the tax list and assessment roll, shall be such as may be directed by the Board of Supervisors.

Proviso in regard to San Francisco.

Term real estate, explanation of.

Term personal property, explanation of.

SEC. 5. The term "real estate" whenever used in this Act, shall be deemed and taken to mean and include, and it is hereby declared to mean and include the ownership of, or claim to, or possession of, or right of possession to any land within the State, and the claim to or possession of any person, firm, corporation, association, or company, to any land, shall be listed under the head of real estate. The term "personal property" whenever used in this Act, shall be deemed and taken to mean, and it is hereby declared to mean and include all household and kitchen furniture; all law, medical and miscellaneous libraries, all goods, wares and merchandize, all chattels of every kind and description, all money on hand or on deposit in bank or banks or with individuals, all money at interest, secured by mortgage or otherwise, gold dust, solvent debts, stocks of goods on hand, horses, mules, oxen, cows, calves, beef cattle, hogs, sheep, goats, jacks and jennets, and cattle of every description, wagons, carriages, huggies, omnibusses, stages, stage coaches, sulkies, carts, drays, and all other vehicles whether for use, pleasure or hire, all machines and machinery, all works and improvements, all storeships and hulks, all steamers, vessels and water craft of every kind and name, either owned in whole or in part by a resident or residents of the State or navigating the waters of any river or bay within the State and having a general depot or terminus within the State, all capital loaned, invested or employed in any trade, commerce or business whatsoever, the capital stock of all corporations, companies, associations, firms or individuals doing business or having an office in the State, the money, property and effects of every kind, except real estate, of all banks, banking institutions or firms, bankers, money lenders and brokers, all houses, buildings, fences, ditches, structures, erections, or other improvements, built or erected upon any land, whether such land be private property or the property of the State, or of the United States, or of any municipal corporation or county in the State, and all other property of whatsoever kind or nature, not included in the term real estate, as said term is defined in this Act.

Stocks, how assessed.

Partnership property.

SEC. 6. The owner or holder of stock in any private or incorporated company or association, the entire capital of which is invested in property which is assessed, or the capital of which is assessed, shall not be assessed individually for his stock in such company or association, nor shall any person having an interest in any partnership or firm be individually assessed for the partnership or firm property, if such property is assessed to the

partnership or firm. The property of every private or incorporated company, shall be taxed in the county where the property is situated. *Provided*, That whenever any portion of the property of any such company shall be assessed and taxed in the county wherein the same is located, then upon presentation at the principal office of such company, of the certificate or receipt of the Tax Collector of said county, that such taxes have been paid in another county, the same shall be deducted at the principal office from the aggregate amount of taxes imposed upon, or paid by said company for the same property, in the county wherein the principal office of said company is situated. Partners in business shall each be liable for the whole tax on the partnership property. The undivided property of deceased persons, may be listed to the heirs, guardians, executors, or administrators, as the case may be, and a payment of taxes, made by either, shall bind all the parties in interest for their equal proportions.

Property of
deceased persons

SEC. 7. On or before the first Monday in August, in each year, the Assessor shall complete his tax list or assessment roll, and shall attach his certificate thereto, and deliver it, and the map book, and all of the original lists of property given to him, to the Clerk of the Board of Supervisors; and as soon as he receives said assessment roll, the Clerk of the Board of Supervisors shall give notice of the fact, specifying therein the time of meeting of the Board of Equalization, by publication in one newspaper, if there be any published in the county, and if none, then in such manner as the Board of Supervisors shall direct, and he shall keep the roll open in his office for public inspection.

Tax list.

Open to in-
spection.

SEC. 8. The Supervisors of the county shall constitute a Board of Equalization, of which Board, the Clerk of the Board of Supervisors shall be Clerk. The Board of Equalization shall meet on the second Monday in August, and shall continue in session from time to time until the business of equalization presented to them is disposed of. *Provided, however*, That they shall not sit after the second Monday in September. The Board of Equalization shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto or deducting therefrom, if they deem the sum fixed in the assessment roll too small or too great, whether said sum was fixed by the owner or the Assessor. During the session of the Board the Assessor may be present and shall have liberty to make any statement touching questions before the Board. A quorum of the Board of Supervisors shall be sufficient to constitute the Board of Equalization, and a majority of the members present shall determine the action of the Board. During the sessions, or as soon as possible after the adjournment of the Board of Equalization, its Clerk shall enter upon the assessment roll all the changes and corrections made by the Board, and thereupon deliver the assessment roll so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation and enter the total valuation of each description of property on the roll, and on or before the third Monday in September, he shall deliver a true copy of the corrected roll, to be styled a duplicate assessment list, with State, county and other taxes, and totals of taxes to each person, carried out in separate money columns, with his certificate

Board of Equal-
ization.

Powers.

Privilege of
Assessor.

Clerk enter cor-
rections on
assessment roll,
and deliver to
Auditor.

Duty of.

thereto attached, (for which the Supervisors may allow a sum not to exceed, in the aggregate, eight cents per folio,) and also the map to the Tax Collector.

Tax Collector to accompany Assessor

Collect taxes on personal property where owner does not possess real estate.

Fee and mileage of Collector.

Property sold delivered to purchaser.

Duty of Clerk of Board.

Persons guilty of perjury.

Penalty.

Misdemeanor.

Penalty.

Liability of Assessor.

SEC. 9. The Tax Collector is hereby authorized and required, (unless otherwise directed by the Board of Supervisors in the respective counties) either in person or by deputy, to accompany the Assessor through the county, and upon the entry of any assessment of movable personal property to any person, firm, corporation, association or company, who does not own real estate within the county, to demand the payment of the taxes on the same, and if any such person, firm, corporation, association or company, shall neglect or refuse to pay such taxes, the Tax Collector or his Deputy, shall seize sufficient of the personal property of the party so neglecting or refusing to pay to satisfy the taxes and costs, and shall post a notice of such seizure with a description of the property and the time and place where it will be sold, in three public places in the township where it is seized, and shall then at the expiration of five days, proceed to sell at public auction, at the time and place mentioned, to the highest bidder for cash, a sufficient quantity of said property to pay the taxes and expenses incurred, and for this service the Tax Collector shall be allowed from the delinquent party a fee of three dollars, and the same mileage that a Sheriff would be entitled to receive for traveling to the place to make a levy; and upon the payment of the purchase money he shall deliver to the purchaser the property sold together with a certificate of the sale, and of the amount of taxes or assessments and expenses thereon, for which the property was sold, whereupon the title to the property so sold shall vest absolutely in the purchaser. The Tax Collector shall, once in every two weeks return to the Auditor and the Clerk of the Board of Equalization, a list of all collections made under this section; and it shall be the duty of the Clerk of the Board of Equalization to mark the word "paid" on the general assessment roll opposite the name of each party whose taxes are so paid.

SEC. 10. If any person shall willfully make or give, under oath, a false list of his, her, or their taxable property, or a false list of the taxable property under his, her, or their control, such person shall be deemed guilty of perjury, and upon conviction thereof, shall be punished therefor as is by law provided for the punishment of perjury. If any person shall give to the Assessor or his deputy, a false name, or shall refuse to give his or her name, or shall refuse to give a list of property, as is by this Act required, or shall refuse to swear or affirm to such list, he or she shall be deemed guilty of misdemeanor, and shall be arrested, upon complaint of the Assessor or his deputy, and upon conviction before a Justice of the Peace, he or she shall be punished by a fine of not less than ten dollars, nor more than five hundred dollars, or by imprisonment for a term of not less than two days, nor more than three months, or by both fine and imprisonment.

SEC. 11. The Assessor, and his sureties, shall be, and they are hereby made liable for the taxes on all taxable property within the county, which is not assessed through his willful neglect. *Provided, however,* That if it be proved that any non-assessment was caused by the refusal of the owner, agent, or claimant of such property, or if the person or persons having it in possession, or

under his or their control, or charge, to give a list of it to the Assessor, the Assessor shall not be liable; but the person or persons, whose refusal to give the Assessor a list, caused the omission, shall pay double the taxes imposed upon property regularly assessed. *And provided, further,* That the Assessor may, at any time prior to the last Saturday in October, specially assess any property which shall not be on the regular list; and if he makes any such special assessment, he shall forthwith deliver a copy thereof to the Tax Collector, and the original to the Auditor, who shall charge the Tax Collector with the amount of taxes due thereon. And all special assessments shall be as valid, and shall have the same force and effect as regular assessments. No property belonging to any person which has arrived, across the plains, in this State, after the first day of July, in any year, shall be assessed in the same year, unless such property exceed one thousand dollars in value, and in case it does exceed such sum, then only the excess above that sum shall be assessed to such person.

Penalty of refusal of owner to give list.

Special list.

Property of emigrants exempt to certain am't.

SEC. 12. Upon receiving the tax list or certified copy of the assessment roll from the Clerk of the Board of Equalization, the Tax Collector shall proceed to collect the taxes, and shall forthwith give notice by publication in one newspaper, (if there be any published in his county,) and if none be published, then in such manner as the Board of Supervisors may direct, that the State and county taxes are due and payable, and that the laws in regard to their collection will be strictly enforced.

Collector, upon receipt of tax list proceed to collect.

SEC. 13. On the third Monday in October in each year the Tax Collector shall, at the close of his official business for that day, enter upon the tax list or assessment roll, a statement that he has made a levy upon all the property assessed in said roll and upon which the taxes have not been paid, for which statement no fees shall be charged; and thereafter, he shall charge each and every person an addition of five per cent. upon the amount of all taxes to be paid by such person; which five per cent. shall be paid into the County Treasury, one-half for the use of the State, and the other half thereof for the use of the county.

Taxes unpaid, levy made.

Additional per cent.

SEC. 14. On the Saturday next preceding the third Monday in November, the Tax Collector shall have completed a list of all persons and property then owing any taxes, which list shall be called the Delinquent List, and shall be published as hereinafter provided, and after said list is completed and published, the Tax Collector shall collect in addition to the taxes and the five per cent. added thereto, fifty cents on each and every lot, piece or tract of land, separately assessed, and also on the assessment of personal property, of each delinquent tax-payer, twenty-five cents of which shall be paid to the county in full for the cost it may incur for printing the list, and the other twenty-five cents shall be retained by the Tax Collector in full for all services in preparing the list.

Delinquent list published.

SEC. 15. On or before the fourth Monday in November, the Tax Collector shall cause the delinquent list named in section fourteen to be published, giving in said publication the name of the owner, (when known) of all the real estate and of all the improvements, together with such a condensed description of the property that it may be easily known, and also a similar condensed description of any real estate or improvements assessed to unknown own-

Names of property owners, with description of property given

ers, and also the name of every party delinquent for any tax on personal property, and also opposite each name or description give the amount of taxes including the costs hereinbefore provided, due from each delinquent person or property. If a newspaper is published in the county, the publication by this section required shall be made by one insertion one time per week for three successive weeks, in some paper published in the county, or in a supplement to such newspaper; but if there is no newspaper published in said county then the publication shall be made by posting up a written copy of the list in at least three conspicuous and public places in each township of the county, and in the County of Contra Costa, and in each county south of that county at least three notices in the Spanish language shall be posted in each township. Said publication shall also designate the time and place of commencing the sale, which time shall not be less than twenty-one days nor more than twenty-eight days from the first appearance of the publication, and the place shall be in front of the county court house.

Also amount of taxes, including costs.

Publication in Spanish in certain counties.

Time and place of sale.

Sale commence.

Power to adjourn sale.

Privilege of owner to designate the part to be sold.

Duty of purchaser.

Certificate issued to purchaser.

SEC. 16. On the day and at the place fixed for the sale, or on some subsequent day to which he may have postponed it, of which he shall give due notice, the Tax Collector shall, between the hours of ten o'clock A. M. and three o'clock P. M., commence to sell the real estate and improvements advertised, and upon which the taxes and costs have not been paid, commencing at the head of the list and continuing it alphabetically through, unless the sale is adjourned until another day; and power is hereby given to the Tax Collector to postpone the day of commencing the sale and to postpone the sale from day to day after it has been commenced, if he deems the best interests of the State and County or of the tax payers will be served by such postponement. *Provided however*, The whole sale of real estate and improvements shall be completed within two weeks from the day first fixed as the day of sale.

SEC. 17. The owner in possession or the possessor of any real estate, offered for sale for taxes due by him, may designate in writing to the Tax Collector prior to the commencement of the sale, what portion of the property he wishes bid on, if any person is willing to take less than the whole; but if the owner in possession or the possessor does not so designate, then the Tax Collector shall designate, and the person who will take the least quantity or smallest part of the land, or in case an undivided interest is assessed, then the smallest portion of such interest, and pay the taxes and costs due, including two dollars which the Tax Collector shall be entitled to receive for the duplicate certificate of sale, shall be declared to be the purchaser, and he shall pay the taxes and costs thereon before ten o'clock A. M. the following day, or the property shall, on the next sale day, before the regular list is commenced, be again put up and sold as though it had not been offered; and any person bidding off any property and not taking it, shall be excluded from again bidding on any property advertised in the delinquent list.

SEC. 18. After receiving the taxes and costs for any property sold, the Tax Collector shall, as soon as practicable, issue to the purchaser a certificate in duplicate, stating substantially that the property was assessed, giving (when known) the name of the person to whom it was assessed; that taxes were levied on it according

to law; that these taxes had not been paid; that publication of the intention to sell for the taxes was made as provided by law, and describing the manner of said publication, that the property assessed (describing it) was on (naming the day) in accordance with law offered at public auction in front of the county court house; that (naming him) was the bidder who was willing to take the least quantity or smallest part of the land, and pay the taxes and costs, which taxes and costs were (giving the total amount due, including the two dollars for the certificate;) that the said smallest quantity was (describing it;) that the said smallest quantity, as described, was struck off to him; that he paid the full amount of the taxes and costs; and that, therefore, he became the purchaser of the last described tract or lot of land.

SEC. 19. The Tax Collector, before delivering any certificate required by section eighteen, shall in a book to be by him kept for that purpose, enter a description of the land sold, which description shall correspond exactly with the description of it given in the certificate, the date of the sale, the purchaser's name, and the total amount of purchase money paid; and he shall regularly number the descriptions on the margin of the books, commencing with number one, and shall put a corresponding number on each certificate. The book which this section requires the Tax Collector to keep shall be open to public inspection and examination without fee, at all times during office hours, when it is not in actual use; and said book shall be county property, and shall be transferred by the Tax Collector to his successor in office.

Collector to keep book.

Form of entry.

Book open to inspection.

SEC. 20. Upon the delivery to the County Recorder for filing of either of the duplicate certificates which the Tax Collector is by this Act required to give to each purchaser at a tax sale, the lien of the State shall become, and it is hereby transferred to, and vested in such purchaser and his assigns; and it shall only be divested from him or them, by the payment to him or his assigns, or by the payment to the County Treasurer for his or their use, of the full sum of the purchase money, together with fifty per cent. in addition thereto; and if such payment is not made within six months from the date of the purchase, the title, whether possessory or fee simple, of every assessed delinquent to the land purchased shall rest absolutely in the purchaser or his assigns, so soon thereafter as a deed is procured.

Property vested in purchaser unless redeemed within certain time.

SEC. 21. Upon receiving any certificate of sale made for taxes, the Recorder shall be entitled to a fee of fifty cents, for which fee he shall file the certificate and make in a book, by him to be kept for that purpose, an entry in every respect similar to the entry which section nineteen requires the Tax Collector to keep; and upon the presentation to him of the receipt of the person named in the certificate or of his assigns, or of the receipt of the County Treasurer, for the use of the person so named, or his assigns, for the total amount of the purchase money, and fifty per cent. additional thereto, the Recorder shall mark the word "Redeemed," and the date and by whom redeemed, across the face of the certificate, and also in the margin of his book where the entry of the certificate is made, for which services he shall receive twenty-five cents.

Recorder's fees.

Duty of.

SEC. 22. At any time within six months from the sale of any

Property not redeemed, Collector to make deed to purchaser.

real estate for taxes, any person may redeem the property sold by making payment of the sum, and in the manner provided in section twenty; but if no person shall redeem such real estate the Tax Collector or his successor in office, shall upon demand, (after ascertaining by the book and certificate in the Recorder's office that no redemption has been had) make to the purchaser or his assigns, a deed of the property, stating in said deed substantially the matters stated in the certificate, and adding thereto the statement that no person redeemed the property during the time allowed by law for its redemption.

Requisites necessary to validity of sales.

SEC. 23. The matters directed by section eighteen to be substantially recited in the tax certificate, and by section twenty-two in the deed shall be deemed, and they are hereby declared to be all the requisites essential to the validity of sales made for taxes or assessments; and a deed made in conformity with the requirements of section twenty-two shall convey to the grantee all the right, title, interest, claim, possession, and right of possession, legal, equitable, or otherwise, of each and every delinquent, excepting only the right and title of the United States, or of the State of California, or of minor children, (who may redeem as herein provided within one year after coming of age,) and such deed shall be *prima facie* evidence of title in the grantee, except when the land is claimed by the United States, or by this State, in which case said deed shall be *prima facie* evidence of the right of possession, and that all right, title, interest, claim and possession, acquired by any individual, corporation or body politic, has been subrogated to the grantee; and such deed shall be conclusive proof of the matters by it set forth, except that courts of law and of equity may examine only in regard to such deed, and may hear any testimony in relation thereto to show :

Deed evidence of title.

Examination of Courts in regard to such deeds allowed, and testimony heard

First. That the property, or a larger parcel of which it is a portion, was not assessed or equalized as required by law.

Second. That the taxes, or a portion of them, were not levied by law, or by some person or body under authority of law.

Third. That the taxes were paid.

Fourth. That at a proper time and place the property was not sold at public auction by a proper officer, or by a person acting *de facto* as such officer.

Fifth. That the property was redeemed.

Sixth. That the person who executed the deed was not the proper officer or *de facto* acting as such officer.

Duty of Tax Collector, in order to perpetuate testimony in regard to sales.

SEC. 24. For the purpose of perpetuating testimony in regard to sales for taxes, it shall be the duty of the Tax Collector, and he is hereby required, as soon as he has made the publication required by section fifteen of this Act, to appear before the County Clerk with two copies of the publications made by him, and to state that they are true copies of his publication, and if the publication was made in a newspaper or supplement to a newspaper, he shall state the name of the newspaper, its place of publication, the date the delinquent list first appeared in such newspaper or supplement, and the date of each of its subsequent appearances; and in case there was no newspaper published in his county, he shall state the name of each township in his county, and the fact that notices were put up in three public places in each of said townships, designating at least one place in each township where such notice was

put up; all of which statements shall be reduced to writing in duplicate, and shall be subscribed and sworn to by the Tax Collector, and shall be attached, one to each copy of the publications, and one shall be filed by the County Clerk, and the other by the County Recorder.

SEC. 25. Whenever any improvements are sold for taxes the Tax Collector, upon receipt of the taxes and costs, shall execute a certificate in substantially similar form to the certificate provided to be issued in case of real estate, and shall make a similar entry in the book which section nineteen directs him to keep; and on demand, after the expiration of the ninetieth day from the date of the payment of the purchase money, said certificate shall be delivered to the purchaser, unless some person or persons have redeemed such improvements by the payment to the Tax Collector for the use of the purchaser of the full sum of the taxes and costs, together with twenty-five per cent. in addition thereto; in which case, the money instead of the certificate shall be delivered to the purchaser.

When improvements are sold for taxes, manner of proceeding.

SEC. 26. Every certificate delivered in accordance with section twenty-fifth of this Act, shall have the force and effect of a judgment and writ of ouster against any and all persons in possession of the improvements sold and described, and of a judgment and writ of possession in favor of the purchaser for such improvements, and upon the delivery of such certificate to the Sheriff of the county and the payment of his legal fees, the Sheriff shall forthwith proceed to dispossess the person or persons in possession, and to put the purchaser into peaceable and quiet possession of the property. *Provided*, That the title to real estate shall not be affected by said certificate.

Force and effect of certificate.

Possession, how acquired.

SEC. 27. On the day designated for the sale in the publication made according to section seventeen, or at any time thereafter, the Tax Collector shall seize, and take into his possession, any personal property that he can find belonging to any person delinquent for tax on any property, whether personal property, improvements, or real estate, and he shall sell so much of such seized personalty as may be sufficient to pay the taxes and costs, upon giving one hour's verbal notice, and for seizing and selling such personal property, the Tax Collector shall be allowed in each case, in addition to the fees hereinbefore provided for, a fee of three dollars, and the same mileage that a Sheriff would be entitled to receive for traveling to the place to make a levy, to be recovered from the delinquent party delinquent.

Upon day of sale, duty of Collector.

SEC. 28. It is hereby made the duty of every Probate Court and Probate Judge, from time to time, to direct each and every executor and administrator (which directions may be either specially given in each case or by a general order,) to pay out of the funds of the estate all taxes that have attached to or accrued against such estate, after the passage of this Act, and no order or decree for the distribution of any property of any decedent among the heirs or devisees shall be made until all taxes that have attached to or accrued against the estate, shall have been paid.

Duty of Probate Court and Judge

SEC. 29. At the same time and in the same manner as the other lists of property herein required are given, each and every person shall deliver, under oath, to the Assessor a similar list of all the real estate, improvements on lands and personal property,

Lists required from persons owning property in other counties

which he and the firm of which he is a member, and the corporation, association or company of which he is President, Cashier, Treasurer, Secretary, Trustee, or Managing Agent, owns, claims, or has charge, possession or control of, in any other county in the State, which he does not of his personal knowledge know has been assessed in such other county for that year; which lists shall particularly describe each tract of land and each city or town lot contained therein, so that the same may be found and known by such description; and all vessels, steamers, or other water craft; and shall also specify each and all deposits if any, and persons with whom such deposit or deposits are made, and the place or places in which the same may be found, unless he shall have included all such money and gold dust in the list of property in his county which it shall be lawful to do; and shall also specify the kind and nature of all other personal property in such county, belonging to or under the charge, control, or in the possession of him or them.

To describe and to specify.

Assessor to transmit lists of property in other counties to Assessors of those counties.

SEC. 30. Every Assessor, as soon as he shall have completed his assessments, or prior to that time, as he may deem proper, shall make out from the lists delivered to him, a distinct list for each county in which any taxable property may be, and shall transmit the same by mail or express, to the Assessor of the proper county, who shall assess the same as other taxable property therein, if it has not been before assessed for the same year.

Collector's receipt for taxes paid to specify.

SEC. 31. Whenever any tax is paid to the Tax Collector he shall mark the word "paid" in the tax list or assessment roll opposite the name of the person or the description of the property liable for such tax, and shall give a receipt therefor, specifying the amount of the assessment, the amount of the tax, and a description of the property assessed; but no Tax Collector shall receive any taxes on real estate for any portion less than the least subdivision entered on the assessment roll. *Provided*, That an owner of undivided real estate may pay the proportion of taxes due on his interest therein.

Taxes on real estate, how received.

Taxes made judgments and liens.

SEC. 32. Every tax, levied under the provisions or authority of this Act, is hereby made a judgment against the person and a lien against the property assessed, which lien shall attach, and judgment date, as of the first Monday in March, in each year, and shall have the full force and effect of an execution against all property of the delinquent, which judgment shall not be satisfied, or the lien be removed, until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for taxes.

Sheriff to be Collector, except otherwise provided.

SEC. 33. Except in those counties where by special Act it is provided that some other person shall be Tax Collector, the Sheriff of each county shall be Tax Collector in his county, and shall collect all taxes, except municipal taxes and poll taxes. But the fact that any assessment roll or tax list has been put for collection in the hands of any Sheriff whose term of office is about to expire, or shall expire before the collection is completed, shall not be so construed as to make the collection of taxes on such assessment roll or tax list unfinished business of the office, to be completed after his term of office expires; but said roll shall be handed over to his successor in office, at the same time and in the same manner as other books and papers belonging to the county; and the fact that any assessment roll or tax list was so handed over, shall not in any manner invalidate it, but the succeeding Sheriff or Tax Col-

Officer's term expire before completion of Tax List, hand over to successor

lector shall proceed to enforce the collections in the same manner as though it had been first placed in his hands ; and any sale made, or certificate of sale, or deed, given by such succeeding officer, shall be as valid, and shall have the same force and effect as though the Act had been done by the officer who originally had possession of the list.

SEC. 34. On receiving the statement which section eight of this Act requires the Clerk of the Board of Equalization to give him, the Auditor shall charge the Tax Collector with the full amount of the taxes levied, and shall forthwith transmit by mail to the Controller of State, a copy of said statement, and shall, also, at the same time, transmit to the Controller a statement of the number of poll tax receipts delivered to the Assessor, and the number of said receipts returned to him on settlement, which said returned receipts he shall forward to the Controller by such conveyance as the Controller, either by general or special order, may direct, and shall, at the same time, make out and transmit by mail, a statement of all State and County licenses issued in the county since his last statement in regard thereto, giving the number and aggregate amount of each kind of licenses issued. All statements which this Act requires the Auditor to make, shall be made under oath.

Duty of Auditor upon receipt of statements from Clerk of Board of Equalization.

SEC. 35. The Auditor shall, from time to time, upon the presentation to him of the receipt from the County Treasurer, for moneys collected and paid over by the Tax Collector, credit him with the amount thereof, and shall, on the first Monday of February of each year, credit him with the amount of taxes then delinquent, and in case the tax list is transferred from one Tax Collector to another, he shall credit the one, and charge the other with the amount then outstanding on the tax list, which amount shall be ascertained jointly, by the outgoing and incoming Tax Collectors, at their own cost, without any expense to the State.

Duty of Auditor upon presentation of receipts from Treasurer for moneys paid by Collector.

SEC. 36. The Tax Collector shall, on the first Monday in each month, pay to the County Treasurer all money in his hands belonging to, or collected for the use of the State or County; and shall, on the same day, present the Treasurer's receipt for said money to the Auditor, and shall, at the same time, deliver to the Auditor, under oath, a true and correct account of all his transactions and receipts, since his last settlement, as Collector of the State and County Taxes, and shall, also, state under oath, that all the money collected by him as Tax Collector, has been paid, which account and statement, shall be countersigned by the Auditor and Treasurer, and shall be filed in the office of the Auditor. If any Tax Collector shall refuse, or neglect to make the payments and settlements with the Treasurer and Auditor of his county, as in this Act specified, he and his sureties, shall be held liable to pay the full amount of taxes charged upon the tax list or assessment roll, and the District Attorney, of his own volition, or on being instructed to do so by the Controller of State, or by the County Court, or Board of Supervisors of the county, shall cause suit to be instituted against such Tax Collector and his sureties, for the full amount due on the Auditor's books, and if any such suit is commenced, no credit or allowance whatever shall be made to such refusing or neglecting Tax Collector, for the delinquent taxes outstanding.

Collector's payments, when made.

Receipts and statements, when and to whom given.

Penalty for neglect.

Auditor's
monthly report
to Controller.

SEC. 37. The County Auditor shall, on the Tuesday next following the first Monday in each month, report by mail to the Controller of State, the amount of money in the County Treasury belonging to the State, prior to making which report he shall examine the books of the County Treasurer, and shall administer to the Treasurer an oath, declaring that said books are correct, and that all money received by him for or on account of the State, has been duly entered therein. The Controller shall forward to the Auditor, blank forms, for the accounts to be rendered, and for the oath to be taken, under this section.

Blanks furnish-
ed by Controller.

Duty of
Treasurers.

Treasurer's of
certain counties.

Of other
counties.

Penalty for
neglect of duty.

Not to apply.

Before settle-
ment, Treasurer
to produce
Auditor's report

Acts regarded as
misdemeanors.

Penalty.

SEC. 38. The Treasurers of the respective counties shall at all times hold themselves in readiness to settle and pay all moneys in their hands, whenever required so to do by an order signed by the Controller and Treasurer of State. The Treasurers of the counties of Amador, Alameda, Contra Costa, Calaveras, El Dorado, Nevada, Placer, Sierra, Solano, Yolo, San Francisco, Sacramento, San Joaquin, Santa Clara, Tuolumne, and Yuba, respectively, shall, on the first Monday in January, the third Monday in April, July and October, and the Treasurers of the other counties in this State shall, on the first Monday in January and the third Monday in July, proceed to the State capitol, and shall settle in full with the Controller, and pay over, in cash, to the Treasurer of State, all funds which shall have come into their hands as County Treasurers, for the use and benefit of the State. And any County Treasurer who shall fail, neglect or refuse to appear at the offices of the Controller and Treasurer, on the days above specified, or within ten days thereafter, and then and there settle and make payment, as required by this Act, shall forfeit all fees, per centage and mileage which would have otherwise been due him on said settlement; and the Controller is hereby authorized and required to withhold all such fees, per centage and mileage, and to require the same to be paid into the Treasury, for the use and benefit of the State. But this forfeiture shall not refer to the counties of San Luis Obispo, Santa Barbara, San Diego, San Bernardino, Los Angeles, Humboldt, Klamath, and Del Norte. Before making any settlement, each County Treasurer shall produce, to the Controller of State, a report from the County Auditor, together with a duplicate thereof, stating specifically the amount due the State from each particular source of revenue, the original of which shall be filed with the Controller of State, who shall enter upon the same, and also upon the duplicate, the cash paid the Treasurer of State, and also the commission and mileage allowed to the County Treasurer on his payments. The County Treasurer shall file the duplicate report with the County Auditor of his county, whereupon the Auditor shall balance the Treasurer's account.

SEC. 39. If any Tax Collector, County Treasurer or Assessor shall, either directly or indirectly, use, loan, employ, or in any manner place out of his possession, otherwise than as on special deposit, any funds belonging to, or collected by, or paid to him, for the use or benefit of either the State or of any county, or of the City and County of San Francisco, he shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be forthwith removed, and shall also be punished by a fine in any sum not exceeding five thousand dollars, or imprisonment in the county

jail for any term not exceeding one year, or by both such fine and imprisonment. The Treasurer, the Tax Collector, the Assessor, the Auditor, the Clerk of the Board of Equalization, and each member of such Board, shall each separately perform the duties required of him in his office, and shall not perform the duties of any two offices, under this Act, except as provided by law, and any officer who shall at the same time perform the duties of any two offices, in any manner connected with the public revenue, except in the manner expressly authorized by law, or any collecting or disbursing officer, who shall refuse or neglect the performance of the duties required by this Act, shall be deemed guilty of misdemeanor in office, and on conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by a fine not less than two hundred, nor more than one thousand dollars, or by both such fine and imprisonment, and shall be forthwith removed.

Officers not allowed to perform duty of two offices

Exception.

SEC. 40. The books, papers, and accounts of each officer, in regard to the assessment, or collection of taxes, or to the receiving, auditing, or disbursing moneys collected for the use or benefit of the State, or of any County, or of the City and County of San Francisco, shall at all times during office hours, when not necessarily in use by the officers, be open for any person whatever, to inspect or copy, without any fee or charge.

Books and papers of revenue officers open to inspection during office hours.

SEC. 41. If any person in possession of any land or improvements, belonging to, or claimed by another, shall pay any delinquent taxes levied on any such land or improvements, due by the owner thereof, since the passage of this Act, he may, and he is hereby authorized to deduct from the rent that may accrue, or from any damages that may be obtained for the detention and occupancy of such land or improvements, the amount of taxes so paid, together with interest thereon, at the rate of five per cent. per month, from the date of the payment, until the rent or damages have accrued.

Persons in possession to pay delinquent taxes.

SEC. 42. The Board of Supervisors of each county, shall, prior to the first Monday of March, unless otherwise provided by special act, annually assess the amount of taxes that shall be levied for county purposes, designating the number of cents which shall on each one hundred dollars of taxable property, real or personal be levied for each purpose, and shall add thereto the amount levied by law on each one hundred dollars of taxable property, real or personal, for either the State or county purposes. *Provided*, That upon this Act taking effect the Board of Supervisors in each county, if the same amount has not been previously levied this year, shall levy the State tax fixed by his Act.

Duty of Supervisors.

Proviso.

SEC. 43. The Tax Collector shall annually, on the first Monday in February, attend at the office of the County Auditor with a duplicate copy of the tax list or assessment roll, so far as delinquent persons or property are concerned, in which list he shall have set down in alphabetical order, so far as any person or property is then delinquent, all the matters and things contained in regard to each such delinquent person or property in the original list; and the Auditor shall then carefully compare said list with the assessments to persons or property not marked "paid" on the original list, and if found to tally therewith, he shall administer to the Tax Collector

Annual duty of Tax Collector.

an oath, which shall be written and subscribed in the original roll, that each and every person, and all property assessed in said roll on which the taxes have been paid has the word "paid" marked opposite the name of such person or the description of the property; and the Auditor shall then foot up the amount of taxes remaining unpaid, and credit the Tax Collector with the amount and have a final settlement with him. And in case the term of his office is about to expire, then the Tax Collector shall make the final settlement provided for in this section with the County Auditor within two weeks after the expiration of his term of office, and the Auditor shall within thirty days thereafter transmit by mail to the Controller of State, in such form as the Controller may require, a statement of all and of each particular kind of property assessed, and a statement of all and of each particular kind of property delinquent, and the whole amount of taxes delinquent. For the services required by this section the Tax Collector shall receive no fee or compensation whatever.

Final settlement with Auditor.

Auditor's statement to Controller.

No fees.

Certificates of sales and tax deeds.

Proviso.

Duties neglected, penalty.

Power to suspend, to whom given.

Temporary appointments.

Same powers.

Delinquent list, how disposed of.

SEC. 44. All certificates of tax sales, and all tax deeds for property sold by virtue of any assessment for taxes in any incorporated city or town, shall be made by the Marshal or Tax Collector, and all sales shall be in front of the City Hall, or Council Chamber, and all assessments, and sales of real estate, and improvements for municipal purposes, shall be made, as nearly as possible, according to the provisions of this Act. *Provided, however,* That nothing contained in this Act shall be construed to abridge any power of taxation, or to alter any special law or charter direction in regard thereto, of any incorporated city or town, or the City and County of San Francisco, nor to prohibit any such city or town from levying and collecting general or special taxes, in accordance with the provisions of its charter or of any special Act.

SEC. 45. Whenever any Assessor, Tax Collector, Auditor, Treasurer, or other officer, upon whom duty devolves, under this Act, or under any other Revenue Act of this State, shall wilfully neglect or refuse to perform any such duties, or shall perform them in a careless or incompetent manner, he shall be deemed guilty of a misdemeanor in office, and may be removed therefrom, in the manner provided by law. And when an issue of fact shall have been joined under any presentment made, or proceeding commenced to remove such officer from office, the Board of Supervisors, and in case such officer be a Supervisor, the County Judge, shall have power to suspend such Assessor, Tax Collector, Auditor, Treasurer, or other officer, from his powers and duties, under this Act, and under every other Revenue Act, and to appoint a competent person in his place, until the proper tribunal shall have either removed or acquitted such suspended officer; and any act, in and about the revenue, or the assessment or collection of taxes, or sale of property for the non-payment of taxes, performed by any such temporary officer, shall be as valid and of the same force and effect as if performed by the suspended officer. *Provided, however,* That such appointee shall first qualify, and give such bond, with sureties, for the faithful performance of the duties of such office, as may be required of persons elected thereto.

SEC. 46. As soon as the Auditor is satisfied that the delinquent list returned to him by the Tax Collector, under the provisions of

Section forty-four, is correct, and he has settled with the Tax Collector, he shall deliver it to the Clerk of the Board of Supervisors, who shall keep it in his office for public inspection, until the Board of Equalization meets, when it shall be delivered to them, and the delinquent taxes therein shall be added, by the Clerk of the Board, to the succeeding assessment roll. *Provided, however, That the Board of Equalization may strike off all such delinquent taxes as it is satisfied cannot be collected.*

Added to succeeding roll.

SEC. 47. When any redemption money is paid to any County Treasurer, he shall credit it on his books to the person named in the Tax Collector's certificates, and he shall pay it, on demand, to said person or his assigns, reserving two and a half per cent. for his services in making the entries and safely keeping the money, and he and his sureties shall be liable on his bond for all money received under this Act for the redemption of any property; and if such money is not demanded before the expiration of his term of office, he shall pay it over to his successor in office; and in each report which he may be required to make to the Supervisors, he shall name the several parties entitled to redemption money, and the amount due to each.

Redemption money, how disposed of.

Fee of Treasurer

Liability of.

SEC. 48. So much of Sections eight and twelve of the Act of May 15th, 1854, entitled "An Act to provide Revenue for the Support of the Government of this State," and so much of Sections three and four of the Act of April 27th, 1855, entitled "An Act to amend an Act to provide Revenue for the Support of the Government of this State, passed May 15th, 1854," and so much of Section one of the Act of April 19th, 1856, entitled "An Act amendatory of an Act to provide Revenue for the Support of the Government of this State, passed May 15th, 1854, passed April 27th, 1855," as provide what disposition shall be made of money collected for license taxes, are hereby repealed; and it is hereby directed that all license moneys, the disposal of which was heretofore governed by the sections in this section named, shall hereafter be paid into the County Treasury, one-half for State purposes, and the other half for county purposes.

Parts of Act repealed.

Division of license tax.

SEC. 49. All goods, wares, merchandize, and other species of personal property, of whatever kind or nature, which shall at any time be offered or exposed for sale at public auction, or which shall be sold at private sale by any auctioneer, or by any partner, clerk or agent of any auctioneer, shall be subject each and every time such goods, wares, merchandize, or other species of personal property, are actually sold, either by any auctioneer, or by any partner, clerk or agent of an auctioneer, or by any other person for the account or benefit of any auctioneer, or for the account or benefit of any firm or partnership of which any auctioneer is a member or in which he is interested, shall be subject to the payment of a duty of one half of one per centum, which duty shall be levied upon the amount for which such goods, wares, merchandize or other personal property are actually sold; the auctioneer and each member of the auction firm or partnership so selling, or causing or allowing such selling, shall be subject to, and shall be liable for the payment of the duty hereby imposed for such selling. *Provided however, That full payment made by one of the parties hereby held liable shall release the others. And provided further, That this section shall not be*

Auction tax.

The dues

Liability of Auctioneer or.

Proviso.

so construed as to require the payment of any duty upon the sale at auction of any property belonging to the United States or to this State, or upon property sold by any officer by virtue of any execution or order of any Court.

Duty of Auctioneers.

SEC. 50. The duties which this Act imposes shall be ascertained as follows, viz.:

On the first Monday in each month each and every auctioneer shall make out under oath, and deliver, as is hereinafter required, a true and correct statement of all goods, wares, and merchandize, or species of personal property sold, either at public or private sale, by him, or by the firm or partnership of which he is a member, or by any partner, clerk, agent, or other person for him, or his firm or partnership, or for the account or by the authority of himself or of his firm or partnership, or of any member thereof during the month last preceding; and he shall in such statement particularly designate:

First. The actual sum for which all property at public auction was sold.

Second. The actual sum for which all property sold at private sale was sold.

Third. The duty that has accrued in favor of the State during said month.

Fourth. The days on which each sale took place and the sum or value of the property sold on each day, and the duty which accrued thereon in favor of the State.

Auctioneer's statements to Auditor, when made.

SEC. 51. On the said first Monday in each month, or within two days thereafter, each and every auctioneer shall present to the County Auditor the statements which Section fifty requires him to make; whereupon the Auditor shall administer to such auctioneer the following oath:

Form of oath.

"You solemnly swear, that the account now presented by you contains a true and correct statement of all the goods, wares, merchandise, or other species of personal property, which you, or the firm of which you are a member, or which any partner, or clerk, or agent of either yourself or of said firm, or any other person for you or for your firm, or by the knowledge, authority, consent, or on account of yourself or of your firm, have sold, either at public auction or at private sale, during the month ending on the last day of ———, 185—, inclusive, and that no sales other than those in this account stated, have been, during that time, made by you or by your partners, agents or clerks, or by any other person, at your usual place of business; and that no sales, intended, or in any manner likely, to avoid or prevent the collection of duties imposed on sales by auction, have been made elsewhere, with your knowledge or consent, or with the knowledge or consent of your firm, or for the benefit of yourself, of your firm, or of any member of it. And you further swear, that during the time mentioned in this statement, you have in all things, to the best of your knowledge and belief, conformed to all the laws regulating or licensing auctioneers, or imposing duty on sales at auction, or by auctioneers."

Auctioneers, when guilty of misdemeanor.

SEC. 52. Every person, being an auctioneer, who shall sell any goods, and shall neglect or refuse to comply with, or who shall directly or indirectly violate, the provisions of Sections forty-nine, fifty, and fifty-one, or either of them, of this Act, shall be deemed

guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine of not less than one hundred dollars, nor exceeding five hundred dollars, or by imprisonment, not exceeding six months, or by both such fine and imprisonment. Punishment.

SEC. 53. Section six of the Act of April 27th, 1855, the title of which Act is recited in the forty-eighth section of this Act, is hereby amended so as to read as follows:

Section six. Section forty of said Act is hereby amended so as to read as follows:

Section forty. Each male inhabitant of this State over twenty-one years of age and under sixty years of age, and not by law exempt from poll-tax, shall pay a poll-tax for the use of the State and county of three dollars. *Provided*, The same is paid between the first day of March and the first Monday in August. Forty per cent. of the nett proceeds of poll-tax shall be paid into the County Treasury for county purposes, the remaining sixty per cent. of the nett proceeds to be paid into the County Treasury for the use of the State; but if said poll-tax is not paid prior to the first Monday in August, it shall be four dollars; and seventy-five cents of the extra dollar shall be paid to the County Treasurer for the School Fund of the county, and twenty-five cents be retained by the Assessor as fees in addition to his fifteen per cent. on the first three dollars; and the collections of all poll-tax shall be enforced by the Assessor whether the name of the inhabitant be listed or not. Poll tax.
How disposed of.
Additional tax if not paid prior to certain time.

SEC. 54. Section fifty of the Act of May 15th, 1854, hereinbefore referred to, shall be amended so as to read as follows:

Section fifty. On the first Monday of each month the Assessor shall make oath before the Auditor of the total number of poll taxes collected by him during the last preceding month, and shall at the same time file the County Treasurer's receipt for the total amount of taxes collected, less his fees allowed by law, and on the first Monday in August he shall return all the three dollar poll-tax receipts by him received and not used, and shall pay to the Treasurer the total amount collected and not theretofore paid in, subject to the deduction aforesaid; and he shall at the same time receive from the Controller of State, through the Treasurer and Clerk of the Board of Equalization, a sufficient number of four dollar receipts to enable him to collect taxes from all the polls in his county who have not been paid; and on the first Monday in January of each year, the Assessor, the Treasurer, and the Clerk of the Board of Equalization, shall attend at the office of the County Auditor, and the County Auditor shall then and there finally settle with the Clerk of the Board of Equalization and with the Assessor, for all poll-tax receipts signed by the Treasurer, and delivered to said Clerk, and the said Clerk and his sureties shall be responsible for all such poll-tax receipts delivered to him, which he shall not then return or be able to account for by receipts or vouchers from the Assessor, and the Assessor shall then pay over the amount of all poll-tax receipts received by him, and not then or theretofore returned, and all the poll-tax receipts returned by the Assessor and Clerk of the Board of Equalization shall be forthwith transmitted by the County Auditor with his annual statement to the Controller of State; and no poll-tax receipts shall be valid for any year unless issued after the first of March in such year. Duty of Assessor in regard to poll taxes.
Final settlement for poll tax receipts with Assessor and Clerk of Board.
Responsibility of Clerk.
Returned receipts transmitted to Controller.

Sections re-
pealed.

SEC. 55. Sections one to three, inclusive, and sections fifty-nine to sixty-six, inclusive, and sections sixty-eight to one hundred and six, inclusive, and sections one hundred and nine and one hundred and ten, and sections one hundred and fourteen to one hundred and fifteen, inclusive, and sections one hundred and nineteen and one hundred and twenty of an Act passed on the 15th of May, 1854, entitled "An Act to provide Revenue for the support of the Government of this State," and sections one, eight, nine and ten of an Act passed April 27th, 1855, entitled "An Act to amend an Act entitled An Act to provide Revenue for the support of the Government of this State, passed May 15th, 1854," and an Act passed April 9th, 1856, entitled "An Act amendatory of and supplementary to an Act to provide Revenue for the support of the Government of this State, passed May 15th, 1854," and the Act entitled "An Act amendatory of and supplementary to an Act concerning the organization of the Militia, passed April 25th, 1855," which amendatory Act was approved April 10th, 1856, and all other acts so far as the same conflict with the provisions of this Act are hereby repealed.

Act, how
construed.

SEC. 56. Nothing in this Act contained shall be so construed as to authorize any increase of taxation in the City and County of San Francisco, for county purposes, or to remove or otherwise affect any legal restriction in relation thereto now existing; or to remove or otherwise affect or impair any restriction now fixed by law, as to the compensation of any officer of said city and county, or otherwise in any manner to authorize any expenditure or payment to be made out of the Treasury or any public funds of said city and county, beyond what is now authorized by law, except for State purposes. *Provided nevertheless,* That the Board of Supervisors of said county shall be and hereby is authorized and required, if in their discretion proper, to appropriate, over and above the sum already provided for by law, an additional sum not exceeding twenty-five hundred dollars, to be paid to the County Assessor, for his expenses and services in and about his office, out of any money in the County and City Treasury, belonging to the general fund thereof.

Proviso.

Property on
which taxes are
unpaid remain
unsold, duty of
Tax Collector.

SEC. 57. If any property on which any taxes are unpaid shall remain unsold after having been offered by the Tax Collector, as provided in section sixteen of this Act it shall be the duty of the Tax Collector to make out a list thereof and append his certificate thereto, stating that the property was assessed, giving, if known, the name of the party to whom it was assessed; that taxes were levied on it by law; that these taxes had not been paid; that publication of the intention to sell for taxes was made as provided by law; that the property was offered for sale in pursuance of such notice; that the property was not sold for want of a purchaser; and that the taxes still remain unpaid, which said list and accompanying certificate the Tax Collector shall record in the book required to be kept by him according to section nineteen of this Act; immediately after recording the description of the land sold, and after recording the same he shall deliver the list and certificate to the County Recorder.

SEC. 58. The County Recorder, on receiving the list of lands remaining unsold after any tax sale in any county, shall enter or

record the same in the book provided by him for the entering or recording of Tax Collectors' certificates of lands sold, and upon the presentation to the Recorder of the County Treasurer's receipt for the total amount of the taxes, and fifty per cent additional thereto; for any description of property contained in the Tax Collector's certificate, is entered or recorded in the book kept by the Recorder for that purpose, it shall be the duty of the Recorder to enter in the margin of said book, opposite to the description on which the taxes and the fifty per cent additional thereto shall have been paid, the word "Paid," and the date of the County Treasurer's receipt received by him as evidence of such payment, and he shall file the receipt in his office.

Duty of Recorder in regard to lands unsold.

SEC. 59. After the first entry or record in the book of the County Recorder, of the list and certificate of the Tax Collector of lands remaining unsold after any tax sale in his county, made in accordance with this Act, it shall be the duty of the County Recorder, on receiving any deed, mortgage, or other instrument of writing, for record in his office, to compare the same with the list of lands furnished him by the Tax Collector, after any sale of lands that have not been sold, and which are recorded in the book kept by the Recorder for that purpose, and if it shall appear that the taxes are unpaid on any of the descriptions of land contained in such deed, mortgage or instrument in writing, he shall inform the party presenting the same for record, that there are unpaid taxes thereon; and he shall not receive the same, or make, or allow to be made, any certificate thereon by his authority, or the authority of his deputy, until all taxes, charges and interest, that have been imposed upon such lands, shall be paid, in accordance with this Act.

Duty of Recorder upon receipt of deeds, &c., for record in his office.

CHAPTER CCLXII.

AN ACT

To prescribe the Time for electing the Supervisors, School Directors and President of the Board of Supervisors of the City and County of San Francisco, and to fix their terms of office.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. There shall be elected at the next general election, and at the general election every year thereafter, by the qualified electors of the city and county of San Francisco, a President of the Board of Supervisors of the city and county of San Francisco,

President of Supervisors.

Supervisors and
School Directors
of certain dis-
tricts.

Of other dis-
tricts.

Vacancies, how
filled.

Term of office.

Present officers.

Repeal.

who shall hold his office for one year next after his election and qualification, and until his successor is elected and qualified; and at the next general election, and at the general election every two years thereafter, there shall be elected by the qualified electors in and for the Second, Fourth, Sixth, Eighth, Tenth, and Twelfth Districts of the said city and county, each, one Supervisor and one School Director, who shall each, respectively, hold his office for the term of two years from and after his election and qualification, and until his successor be elected and qualified; and at the general election in the year eighteen hundred and fifty-eight, and at the general election every two years thereafter, there shall be elected by the qualified electors in and for the First, Third, Fifth, Seventh, Ninth and Eleventh Districts of said city and county, each, one Supervisor and one School Director, who shall each, respectively, hold his office for the term of two years from and after his election and qualification, and until his successor be elected and qualified. And all vacancies in the office of Supervisor or School Director, where the term of the office will not expire at the next ensuing general election, shall be then filled by an election in the proper district for the unexpired term; and for the interval between the happening of any such vacancy and the general election next ensuing, any vacancy in the office of Supervisor shall be filled by appointment by the President of the Board of Supervisors, by and with the advice and consent of a majority of the Supervisors then in office; and any vacancy in the office of School Director shall be filled by appointment by the Superintendent of Common Schools, by and with the advice and consent of a majority of the School Directors then in office; and such appointees shall hold office respectively until the general election next ensuing, and the election and qualification of their successors in office. But no such appointment shall be valid unless the appointee be at the time of his appointment an elector of the district wherein the vacancy occurred.

SEC. 2. The present Supervisors, School Directors, and President of the Board of Supervisors of said city and county shall continue in office until the election and qualification of their successors as prescribed in this Act, and no longer.

SEC. 3. All Acts and parts of Acts, so far as they conflict and are inconsistent with the provisions of this Act, but no further, are hereby repealed.

CHAPTER CCLXIII.

AN ACT

To authorize the Board of Supervisors of the City and County of San Francisco to provide for the Compensation due the Board of Examiners of said city.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to allow the claims for compensation of the members and Clerks of the Board of Examiners of said city, appointed by the Common Council under an Act entitled "An Act to provide for Funding the Legal and Equitable Debt of the City of San Francisco, and for the final redemption of the same," approved May the 7th, 1855, at the rate of compensation fixed by the Common Council of said city under ordinances Nos. 893 and 905. Claims allowed.
Rate of compensation.

SEC. 2. That the Auditor of said city and county is hereby authorized and directed to audit said claims for compensation, after their allowance by the said Board of Supervisors, as aforesaid, and that said claims, when so allowed and audited, shall be received at their par value in payment for taxes due said city and county. Claims to be audited.

CHAPTER CCLXIV.

AN ACT

See C.S. page 201 & 91

Amendatory of and supplementary to an Act in relation to Personal Mortgages in certain cases, passed May 11th, A. D. 1853.

[Approved April 29, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said Act is amended so as to read as follows:

Section first. Chattel mortgages may be made on the following property, to secure the payment of just indebtedness: Upholstery and furniture used in hotels and public boarding houses, when mort- Property specified upon which mortgages may be made.

gaged to secure the purchase money of the identical articles mortgaged, and not otherwise; mining claims, saw-mill, grist-mill and steamboat machinery; tools and machinery used by machinists, foundrymen and other mechanics; steam boilers, steam engines, printing presses, and other printing materials; possessory claims on the lands of the State, with the improvements thereon; quartz claims, with the machinery and buildings connected therewith; water-ditches, flumes and aqueducts; tunnels, cuts, and other improvements in mining claims; instruments and chests of a surgeon, physician or dentist, with their professional library, and libraries of all other persons; stock in any incorporated company. No mortgage, made by virtue of this Act, shall have any legal force or effect, (except between the parties thereto,) unless the residence of the mortgagor and mortgagee, their profession, trade or occupation, the sum to be secured, the rate of interest to be paid, when and where payable, shall be set out in the mortgage, and the mortgagor and mortgagee shall make affidavit that the mortgage is *bona fide*, and made without any design to defraud or delay creditors; which affidavit shall be attached to such mortgage.

ind
561
197
Mortgages,
where recorded.

Proviso.

Duty of County
Recorders.

Fees.

Valid mortgages

Proviso.

Right of re-
demption.

Mortgaged
property liable
to attachment.

Sec. 2. All mortgages made in pursuance of this Act, (with the affidavit attached,) shall be recorded in the county where the mortgagor lives, and also in the county where the property is located. *Provided*, That property *in transitu*, from the possession of the mortgagee to the county of the residence of the mortgagor, or to a location for use, shall, during a reasonable time for such transportation, be considered as located. It shall be the duty of the County Recorders of this State to provide proper books of record and of index, in which they shall make a true copy or record of all mortgages made in pursuance of the provisions of this Act, and left with them for record, and they shall enter, in alphabetical order, the names of the mortgagee and mortgagor in such index books. The Recorders shall note on the mortgages and in the index books, the time, (in like manner as mortgages on real estate,) when the same was received into the office for record, and the recording shall take effect from that time. The Recorder's fees for recording and indexing shall be the same as are allowed him by law for like services for recording deeds of real estate, to be paid in advance, by the person presenting the same for record.

Sec. 3. No chattel mortgage shall be valid, (except between the parties thereto,) unless the same shall have been made, executed and recorded, in conformity to the provisions of this Act. *Provided, however*, If the mortgagee receives and retains the actual possession of the property mortgaged, he may omit the recording of his mortgage during the continuance of such actual possession.

Sec. 4. A right of redemption shall remain in the mortgagor until the same shall have been foreclosed by due process of law, or by agreement between the parties to the mortgage, which agreement shall be entered on the record of the mortgage, and for the entering of which the Recorder shall be entitled to the same rate of fees as for recording the original, to be paid in advance by the parties to the mortgage.

Sec. 5. All property mortgaged in pursuance of the provisions of this Act, may be attached at the suit of the creditors of the

^emortgagor or mortgagee; when attached at the suit of the creditor of the mortgagor, such creditor shall pay, or tender to the mortgagee, the actual amount due him on such mortgage before the officer making such attachment shall be entitled to the actual possession of such property. When property thus situated and thus redeemed shall have been sold by the officer by virtue of due legal proceedings, out of the proceeds of the sale he shall first pay to the creditor the amount advanced by him to pay the mortgagee with legal interest thereon.

Second. Pay all legal costs and fees appertaining to the judgment, execution and sale.

Third. Pay the judgment creditor the amount of the judgment, and any remaining surplus pay to the judgment debtor. If the creditor of the mortgagor prefers, he may cause to be attached the right of redemption of said mortgagor, and cause the same to be sold, subject to the rights of the mortgagee. Such attachment shall be made by leaving a copy of the writ of attachment, with notice of the attachment, with the mortgagee. When the sale of such equity is made on an execution obtained by such attaching creditor, the sum realized shall be applied to the payment of costs, fees, discharge of the execution, and any remainder paid to the judgment debtor. When the interest of the mortgagee shall be attached, a copy of the writ of attachment shall be left with the mortgagor, with notice of the attachment, and any payment made by him to the mortgagee after such notice, shall not release the attachment, or affect the rights of the attaching creditor, but said mortgagor may pay the amount due on said mortgage to the officer who made the attachment, and thereupon said officer shall release said attachment, and hold the money so paid him, in the same manner as if he had originally attached said money.

Right of redemption subject to attachment and sale.

Attachments, when released.

Sec. 6. This Act shall not be so construed as to interfere or conflict with the lawful mining rules, regulations or customs in regard to the locating, holding or forfeiture of claims, but in all cases of mortgages of mining interests under this Act, the mortgagee shall have the right to perform the same acts that the mortgagor might have performed for the purpose of preventing a forfeiture of the same under the said rules, regulations or customs of mines, and shall be allowed such compensation therefor as shall be deemed just and equitable by the court ordering the sale upon a foreclosure. *Provided*, That such compensation shall in no case exceed the amount realized from the claim by a foreclosure and sale.

Act, how construed.

Sec. 7. The mortgagee, in all mortgages made under this Act, shall be allowed one day for every twenty miles of the distance between his residence and the County Recorder's office, where such mortgage ought by law to be recorded to conform to the provisions of this Act, before any attachment shall be valid, made by the creditors of the mortgagor.

Allowance to mortgagee

Sec. 8. Mortgages may be made on all kinds of water craft of five tons burthen or upwards, "custom house measurement," whether propelled in whole or in part by steam or wind. *Provided*, That the requirements of the preceding sections, are complied with. *And provided further*, That an indorsement shall be made on the Custom House Register or enrolment of such vessel, showing the amount for which the same is mortgaged, and the place, book and

Mortgages on water craft.

Proviso.

page where the same is recorded. *And provided also*, That this section shall not be construed to affect or impair, in any way whatever, maritime liens.

CHAPTER CCLXV.

AN ACT

Making appropriations for the Support of the Civil Government of the State for the remainder of the eighth fiscal year, commencing on the first day of February, A. D. 1857, and ending on the thirtieth day of June, inclusive, of the same year.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriations. **SECTION 1.** The following sums of money are hereby appropriated out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, for the remainder of the eighth fiscal year, commencing on the first day of February, A. D. 1857, and ending on the thirtieth day of June, inclusive, of the same year:

Salary of Governor. For salary of Governor, three thousand three hundred and thirty-four dollars. For rent of Governor's office, two hundred dollars. For contingent expenses of Governor's office, three hundred dollars.

Of Secretary of State. For salary of Secretary of State, one thousand one hundred and sixty-seven dollars. For contingent expenses of Secretary of State's office, four hundred dollars.

Of Controller. For salary of Controller, one thousand five hundred dollars. For salary of E. F. Burton as Controller, *ad interim*, seven hundred and twelve dollars and fifty cents. For contingents of Controller's office, six hundred dollars. For payment of express charges for Controller's office, five hundred dollars.

Of Treasurer. For salary of State Treasurer, one thousand five hundred dollars. For contingents and extra clerk hire in Treasurer's office, eight hundred dollars.

Of Superintendent of Public Instruction. For salary of State Superintendent of Public Instruction, one thousand one hundred and sixty-seven dollars. For contingents of office of Superintendent of Public Instruction, rent and furniture, six hundred and sixty-seven dollars.

Of Surveyor General. For salary of Surveyor General, six hundred and sixty-seven dollars. For rent of Surveyor General's office, four hundred dollars. For pay of Draughtsman in Surveyor General's office, eight hundred dollars. For contingent expenses of Surveyor General's office, three hundred dollars.

Of Quartermaster General. For salary of Quartermaster General, one thousand dollars. For contingent expenses of the office of Quartermaster General, for rent of armory and office, cleaning and transportation of

arms, six hundred and fifty dollars. For salary of Attorney General, six hundred and sixty-seven dollars. For rent of Attorney General's office, one hundred and twenty dollars, and for contingent expenses of his office, four hundred dollars for expenses in suits in which the State is a party. For salary of Justices of the Supreme Court, seven thousand three hundred and thirty-four dollars. For contingent expenses of Supreme Court, six hundred dollars. For rent of Supreme Court rooms, one thousand six hundred and seventy-five dollars. For salary of the ~~Secretary~~ of the Supreme Court, two hundred and fifty dollars. For salary of District Judges, twenty-five thousand dollars. For Clerks in Controller's office, four thousand three hundred and twenty dollars. For Clerk's pay in the office of State Treasurer, two thousand one hundred and sixty dollars. For pay of Clerks in the office of Secretary of State, three thousand two hundred and sixty dollars. For per diem of Lieutenant Governor, and ~~Speaker~~, eight thousand five hundred dollars. For per diem of Speaker, and members of the Assembly, thirty-two thousand dollars. For pay of Officers and Clerks of the Senate, twelve thousand dollars. For pay of officers and Clerks of the Assembly, ten thousand dollars. For contingent expenses of the Senate, eight thousand dollars. For contingent expenses of the Assembly, ten thousand dollars. For the support of the Asylum for the Insane, sixteen thousand dollars. For furnishing the new wing of the State Asylum for the Insane, four thousand dollars. For removing and repairing the house of the Resident Physician, three thousand dollars. For building a residence for Physicians, four thousand five hundred dollars. For the salary of the Resident Physician, one thousand six hundred and sixty-seven dollars. For the salary of the Visiting Physician, one thousand dollars. For distributing laws and journals through the post-office, six hundred dollars. For translating Laws of 1857 into Spanish, eight hundred dollars. For prosecuting delinquents, to be expended under the direction of the Board of Examiners, one thousand dollars. For printing, paper, and official advertisements, forty thousand dollars. For rent of State House, four thousand dollars. For stationery, fuel, lights, &c., for the Legislature, two thousand three hundred dollars. For salary of Private Secretary of the Governor, eight hundred and thirty-four dollars. For pay of Secretary of Board of Examiners, two hundred dollars. For pay of Experts for examination of printing accounts, five hundred dollars. For salary of Secretary of State and Attorney General as members of the Board of Examiners, five hundred dollars. For special contingent fund of the Governor's office, to be drawn at his discretion, sixteen hundred and sixty-six dollars. For copying Laws for State Printer, five hundred dollars. For marginal notes and index to Laws, three hundred dollars. For indexing Journals of Legislature of 1857, six hundred dollars. For copying for the Assembly, three thousand five hundred dollars. For rent of Library rooms, six hundred dollars. For contingents of State Library, two hundred dollars. For transportation of prisoners to the State Prison, twelve thousand dollars. For pay of Board of State Prison Commissioners, one hundred and sixty-seven dollars, and one hundred dollars for contingent expenses.

Of Attorney General.

Judges of Supreme Court.

District Judges.

Clerks of Controller.

Clerks of Treasurer.

Clerks of Secretary of State.

Per diem of Lieut. Governor.

Of Speaker and Members of Assembly.

Pay of officers and clerks of Senate and Assembly.

Contingents of Senate and Assembly.

Insane Asylum.

Salary of Resident Physician.

Of Visiting Do.

Distributing Laws, &c.

Translating.

Prosecuting delinquents.

Printing, &c.

Rent of Capitol.

Lights, &c., for Legislature.

Salary of Gov.

Private Sec'y.

Sec'y Board of Examiners.

Pay of Experts

Of Board of Examiners.

Special contingent of Governor

Copying Laws.

Notes and indexing Laws.

Indexing Journals.

Provisions for prisoners.

Pay of Commissioners.

Warrant for payment.

SEC. 2. The Controller of State shall not draw his warrants

for the payment of any money out of the appropriations made by this Act, until money for the payment of the same is in the State Treasury, nor for the payment of any service done, or debt accrued prior to the first day of February, A. D. 1857.

Appropriation to
School Fund.

SEC. 3. The sum of nine thousand seven hundred and twelve dollars and sixty-four cents is hereby appropriated out of the first moneys coming into the Treasury, and the Controller and Treasurer are required to place the same to the credit of the School Fund.

Order in which
warrants are to
be drawn.

SEC. 4. The ~~Controller~~ shall draw his warrants for the payment of all claims entitled to be paid under the provisions of this Act, in the order of the dates of said claims becoming due, and not otherwise.

*And
Controller for Controller
see Erratum*

CHAPTER CCLXVI.

AN ACT

Making appropriations for the support of the Civil Government of the State for the ninth fiscal year, commencing on the first day of July, A. D. 1857, and ending on the thirtieth day of June, A. D. 1858, inclusive.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Appropriations.

SECTION 1. The following sums of money are hereby appropriated out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, for the support of the Civil Government of the State for the ninth fiscal year, commencing on the first day of July, A. D. 1857, and ending on the thirtieth day of June, A. D. 1858, inclusive:

For salary of the Governor, eight thousand dollars. For rent of Governor's office, six hundred dollars. For contingent expenses of the Governor's office, nine hundred dollars. For special contingent fund of the Governor's office, to be drawn at his discretion, five thousand dollars. For salary of Secretary of State, three thousand five hundred dollars. For contingent expenses of the office of Secretary of State, one thousand two hundred dollars. For salary of Secretary of State as a member of the Board of Examiners, six hundred dollars. For the pay of clerks in the office of the Secretary of State, eight thousand four hundred and sixty dollars. For salary of Controller, four thousand dollars. For contingent expenses of the office of Controller, two thousand dollars. For payment of express charges for Controller's office, fifteen hundred dollars. For salary of Clerks in the office of Controller, eight thou-

and four hundred and sixty dollars. For salary of Treasurer, four thousand dollars. For contingent expenses of the office of Treasurer, two thousand five hundred dollars. For extra clerk hire in the office of Treasurer, if the State debt be assumed by the people, two thousand five hundred dollars. For pay of clerks in the office of Treasurer, five thousand six hundred and forty dollars. For salary of State Superintendent of Public Instruction, three thousand seven hundred and fifty dollars. For rent and contingent expenses for the office of Superintendent of Public Instruction, two thousand dollars. For salary of Surveyor General, two thousand dollars. For contingent expenses of the office of Surveyor General, nine hundred dollars. For pay of rent for office of Surveyor General, one thousand two hundred dollars. For pay of draughtsman in the Surveyor General's office, twelve hundred dollars. For salary of Quartermaster General, two thousand dollars. For rent of Quartermaster General's office and armory, twelve hundred dollars. For contingent expenses of the office of Quartermaster General's office, three hundred and sixty dollars. For salary of Attorney General, two thousand dollars. For rent of Attorney General's office, three hundred and sixty dollars. For contingent expenses of the office of Attorney General, six hundred dollars. For salary of the Attorney General as a member of the Board of Examiners, six hundred dollars. For salary of Justices of the Supreme Court, twenty-three thousand dollars. For contingent expenses of Supreme Court, three thousand dollars. For rent of Supreme Court rooms, twenty-five hundred dollars, for the first six months of the fiscal year, and the sum of eighteen hundred for the last six months. For the salary of District Judges, fifty-five thousand dollars. For per diem and mileage of Lieutenant Governor and Senators, forty thousand dollars. For per diem and mileage of members of the Assembly, one hundred thousand dollars. For pay of officers and clerks of the Senate, fifteen thousand dollars. For pay of officers and clerks of the Assembly, twenty-four thousand dollars. For contingent expenses of the Senate, five thousand dollars. For contingent expenses of the Assembly, nine thousand dollars. For stationery, fuel, lights, etc., for the Legislature, ten thousand dollars. For salary of Private Secretary to the Governor, two thousand two hundred and fifty dollars. For pay of Private Secretary as Secretary of the Board of Examiners, six hundred dollars. For printing, paper, and official advertisements, sixty thousand dollars. For the support of the State Asylum for the Insane, forty thousand dollars; and the sum of five thousand dollars for farming utensils, seeds, etc., for the cultivation and improvement of the grounds of the said Asylum. For salary of Resident Physician to the Asylum for the Insane, five thousand dollars. For salary of Visiting Physician to the Asylum for the Insane, three thousand dollars. For rent of the State House, twelve thousand dollars. For transportation of prisoners to the State Prison, thirty-five thousand dollars. For prosecuting delinquents, three thousand dollars. For pay of experts for examining printing accounts, five hundred dollars. For copying laws for State Printer, five hundred dollars. For marginal notes and index to laws, three hundred dollars. For indexing journals of the Legislature, six hundred dollars. For rent of Library Rooms, one thousand eight hundred dollars, and

Appropriations. six hundred dollars for contingents of Library. For pay of the Board of State Prison Commissioners, five hundred dollars; and for contingent expenses, four hundred dollars. For the translation of the laws into Spanish, one thousand dollars. For the support of Common Schools in this State the sum of thirty-two thousand nine hundred and fifty dollars and forty cents; one half thereof to be distributed semi-annually as provided by law for the distribution of school moneys, being the same amount due from the State to the School Fund for interest on receipts from the sale of school lands. *Provided*, That all property taxes heretofore levied for the benefit of the School Fund, shall be paid into and belong to the general fund.

Certain appropriations, when drawn. SEC. 2. Of the several sums herein appropriated for office rent and contingent expenses, one-half only shall be drawn prior to the first day of January, A. D. 1858.

Warrants, when drawn. SEC. 3. The Controller of State shall not draw his warrants for the payment of any money out of the appropriations made by this Act, until money for the payment of the same is in the State Treasury, nor for the payment of any service done or debt accrued prior to the first day of July, A. D. 1857.

Order of drawing warrants. SEC. 4. The Controller shall draw his warrants for the payment of all claims entitled to be paid under the provisions of this Act, in the order of the dates of said claims becoming due, and not otherwise.

CHAPTER CCLXVII.

AN ACT

To provide for the Payment of Volume Five of the Reports of the Supreme Court of California.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation, how applied. SECTION 1. The sum of four thousand dollars is hereby appropriated from the general fund out of any moneys in the Treasury not otherwise appropriated, to be applied to the payment of three hundred copies of volume five of the Reports of the Supreme Court of California.

Warrants, when and in whose favor drawn. SEC. 2. Upon delivery to the Secretary of State of the said three hundred volumes, bound in law style, and containing the reports of decisions rendered during the year eighteen hundred and fifty-five, the Controller is hereby authorized and required to draw his warrant upon the Treasurer in favor of Wm. Gouverneur

Morris for the sum of four thousand dollars. *Provided*, No warrant shall issue for the sum herein appropriated, until there is money in the Treasury to pay the same. *And, provided, further*, That no warrants for the sum herein appropriated shall be issued until said Morris shall procure and file with the Controller of State a release from Joseph G. Baldwin to the State of all his claims and demands, present or future, in any form, for Reports of the Supreme Court for the year eighteen hundred and fifty-five, being volume five of California Reports. Proviso.

CHAPTER CCLXVIII.

AN ACT

To reimburse Peter Freer, Sheriff of Butte County, for moneys overpaid the State of California on Foreign Miners' License Tax.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State for the sum of two hundred and twenty one dollars, in full for moneys overpaid by the said Peter Freer, on account of Foreign Miners' License Tax, for the year one thousand eight hundred and fifty-five. Controller to draw warrant.

SEC. 2. The Treasurer of State is directed to pay said warrant out of any money in the Treasury not otherwise appropriated, and that amount of money is hereby set apart, out of any money coming into the Treasury, for the payment of said warrant. Warrant to be paid.

SEC. 3. This Act shall not be construed to authorize the issuance of such warrant, until a sufficient sum of money for its liquidation shall be in the Treasury. Act, how construed.

CHAPTER CCLXIX.

AN ACT

Authorizing the Location and Patenting of School Lands.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Owners of School
Land Warrants,
when to locate
the same.

SECTION 1. In all cases in which the lands of the United States have been duly surveyed by the General Government, and the plat thereof shall have been on file thirty days, in the land office of the proper district, it shall be lawful for the owner or owners of School Land Warrants, issued under the provisions of the Act of this State, passed May 3d, 1852, in relation to the disposal of the five hundred thousand acres granted by the Act of Congress of 4th September, 1841, to locate the same according to the legal subdivisions of the public lands, by filing a written application by such owner or owners, specifically describing the particular tract so located, with the Register of the United States land office for the proper district, accompanied by an affidavit of the party or parties applicant, and of one or more witnesses, that there is no valid claim existing upon the land so desired, adverse to the claim of the person making such application for location.

Application and
affidavit filed
with Register of
Land Office.

Patents, when
issued.

SEC. 2. Whenever the General Government shall certify over to this State the lands mentioned in the preceding section, or any portion thereof, the Governor of this State shall, upon application of the person or persons making such location as aforesaid, or their legal representatives, and upon the presentation of a Register's certificate by such applicant, or such other evidence as he shall deem sufficient, be satisfied that any location by virtue of any such warrant, shall have been, or may hereafter be so made, as at the time of the application to him for a patent therefor, to conform to the legal subdivisions of the public surveys, as represented in the duly certified plats thereof, and in other respects be in conformity to the laws in reference to such location, cause a patent to issue in favor of the person entitled to receive the same, for the land so located by virtue of such warrants.

How signed and
countersigned.

SEC. 3. Such patent shall be signed by the Governor, and countersigned by the Secretary of State, and shall have affixed thereto the great seal of the State, and shall be in substance as follows:

Form of patent.

" Know all men by these presents, whereas, A. B. is the holder of School Land Warrant, number —, issued under, and by virtue of the Act of the State of California, passed on the third day of May, one thousand eight hundred and fifty-two, entitled, an Act to provide for the disposal of the five hundred thousand acres of land granted this State, by Act of Congress; and whereas, the said A. B., hath located the said warrant or warrants, (as the case may be,) upon the following described lands, and accepts the same in full

satisfaction for said warrant, to wit: (here insert the description of land as contained in Register's certificate.) Now therefore, I, C. D., Governor of the State of California, by virtue of authority in me vested, have given, granted, bargained, and sold, and do by these presents give, grant, bargain, and sell, unto the said A. B., all the above described lands, to have and to hold, unto him, the said A. B., his heirs and assigns, forever, to, and for his and their sole use, benefit and behoof, and for none other."

SEC. 4. All patents issued under, and by virtue of the provisions of this Act, shall be construed to convey to the patentee the title in fee simple, in and to the lands so patented, and nothing in this Act contained, shall be construed to invalidate, or injure in any manner, any rights that parties may have acquired by the purchase and location of any school land warrant, pursuant to an Act entitled "An Act to provide for the disposal of the five hundred thousand acres of land, granted this State, by Act of Congress, passed May third, eighteen hundred and fifty-two." Title conveyed.

CHAPTER CCLXX.

AN ACT

Supplementary to an Act entitled An Act to provide Revenue for the support of the Government of this State," approved April 29th, 1857.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Nothing in section thirty-three of an Act entitled An Act to provide Revenue for the support of the Government of this State, approved April 29, 1857, shall be so construed as to apply to the Sheriffs of the counties of Solano, Tuolumne, Monterey, Contra Costa, Yolo, El Dorado and Sacramento, so far as the said section applies to the present incumbents. Not applicable to Sheriffs of certain counties.

CHAPTER CCLXXI.

AN ACT

Concerning Notaries Public.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- Notaries.** SECTION 1. The Governor shall have power to appoint and commission fourteen Notaries Public for the County of San Francisco, and ten Notaries Public for each of the counties of Sacramento, El Dorado, Nevada, Placer, Yuba, Sierra, Butte, Calaveras, Tnolumne, and San Joaquin, and five for each of the other counties of the State, who shall hold office for the term of two years, and until their successors are appointed and qualified.
- Oath of office and bond.** SEC. 2. Each Notary Public, before entering upon the duties of his office, shall take the oath of office, which shall be indorsed on his commission, and shall enter into bond to the State in the sum of five thousand dollars, with sureties to be approved by the County Judge of the County for which said Notary may be appointed.
- Bond, &c., to be filed.** SEC. 3. The bond, together with a certificate of the oath, shall be filed and recorded in the office of the County Clerk of such county.
- Powers of Notaries.** SEC. 4. Notaries Public shall have authority to demand acceptance and payment of foreign bills of exchange, and to protest the same for non-acceptance and non-payment, and to exercise such other powers and duties as by the law of nations, and according to commercial usages, or by the law of any other State, government or country, may be performed by Notaries Public.
- Further powers.** SEC. 5. They may also demand acceptance of inland bills of exchange and payment thereof, and of promissory notes, and may protest the same for non-acceptance or non-payment, as the case may require.
- Other powers.** SEC. 6. Each Notary Public shall have power to take and to certify the acknowledgment or proof of powers of attorney, mortgages, deeds and other instruments of writing, the acknowledgment of any conveyance or other instrument of writing executed by any married woman, to take depositions, and to administer oaths and affirmations in all matters incident or belonging to the duties of his office, and to take affidavits to be used before any Court, Judge, or officer of this State.
- Keep record of acts.** SEC. 7. Each Notary Public shall keep a fair record of all his official acts, except such as are mentioned in Section six of this Act, and when required shall give a certified copy of any record in his office to any person, upon the payment of the fees therefor.
- Notarial seal.** SEC. 8. Each Notary Public shall provide a Notarial Seal, with which he shall authenticate all his official acts, on which seal shall be engraved the arms of this State and the name of the

county for which he is commissioned, which seal, together with the registers and official documents, shall not be liable to be seized on by any execution; and in case of the death or removal of said Notary Public the aforesaid register and official documents shall be lodged in the office of the County Recorder of his county for the use of his successor in office.

SEC. 9. Any certificate or instrument, either printed or written, purporting to be the official act of a Notary Public of this State, and purporting to be under the seal and signature of such Notary Public shall be received as *prima facie* evidence of the official character of such instrument, and of the truth of the facts therein set forth.

Evidence of truth of official acts.

SEC. 10. The original protest of a Notary Public under his hand and official seal, of any bill of exchange or promissory note for non-acceptance or non-payment, stating the presentment by him of such bill of exchange or note, for acceptance or payment, and the non-acceptance or non-payment thereof, and the service of notice on any or all of the parties to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to such bill of exchange or promissory note, and specifying the mode of giving such notice, and the reputed place of residence of the party to whom the same was given, and the post office nearest thereto, shall be *prima facie* evidence of the facts contained therein. The certificate of a Notary Public, drawn from his record, stating the protest and the facts therein contained, shall be evidence of the facts in like manner as the original protest.

Duty of Notaries in serving notices of protest.

Certificate of protest, evidence

SEC. 11. For any misconduct or neglect of duty in any of the cases in which any Notary Public appointed under the authority of this State is authorized to act, either by law of this State, or of any other State, government, or country, or by the law of nations, or by commercial usage, he shall be liable on his official bond to the parties injured thereby for all damages sustained. For any willful violation or neglect of duty, any Notary Public shall be subject to criminal prosecution, and may be punished by fine not exceeding two thousand dollars and removal from office.

Neglect of duty.

Liability.

SEC. 12. If any Notary Public die, resign, be disqualified, or remove from the county, his record and all his public papers shall, within thirty days, be delivered to the Recorder of the county, who shall deliver them to the successor of the said Notary when qualified.

In case of death or removal.

SEC. 13. When the term of office of any Notary Public expires, and his successor is appointed and qualified, he shall deliver his record and public papers to such successor.

Expiration of time, papers delivered to successor.

SEC. 14. Any Notary Public having in his possession the records and papers of his predecessors in office, may grant certificates, or give certified copies of such records and papers, in like manner, and with the same effect, as such predecessor or predecessors could have done.

Certificates of records of predecessors.

SEC. 15. Each Notary Public shall receive such fees for his services as may be allowed by law.

Fees.

SEC. 16. The Act concerning Notaries Public, passed April thirtieth, one thousand eight hundred and fifty-three, is hereby repealed, such repeal to take effect on the first day of July, one

Repeal.

thousand eight hundred and fifty-seven; on which day the officers appointed under said law shall deliver their records and all their public papers to the Recorder of the county, to be by him delivered to the Notaries Public appointed under this Act.

When take
effect.

SEC. 17. This Act shall take effect from and after its passage, excepting section sixteen, which shall take effect on the first day of July, one thousand eight hundred and fifty-seven.

CHAPTER CCLXXII.

AN ACT

To amend an Act entitled "An Act to provide for the protection of Foreigners, and to define their liabilities and privileges," passed March thirtieth, eighteen hundred and fifty-three.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section sixteen of the Act to which this is amendatory, is hereby amended as follows:

Officers guilty
of misdemeanor.

Section sixteen. Any Sheriff, Tax Collector, or Deputy Collector, who shall sell, or cause to be sold, any foreign miners' license, with the date of the sale left blank, or which shall not be dated and signed with ink, and any person who shall make any alteration, or cause the same to be made, in any license, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not exceeding one thousand dollars, and imprisonment in the State prison, not exceeding six months, and the license so sold, with blank date, or which shall not be signed and dated with ink, or which shall have been altered, shall be received in evidence in any court of competent jurisdiction.

Penalty.

CHAPTER CCLXXIII.

AN ACT

Making appropriations to meet deficiencies in appropriations heretofore made, to defray the Civil Expenses of Government, from the first day of January, A. D. 1857, until the first day of February, A. D. 1857.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the following sums be, and the same are hereby appropriated, for the objects herein expressed, and to meet deficiencies in appropriations heretofore made, to defray the civil expenses of government, from the first day of January, A. D., 1857, until the first day of February, A. D. 1857, payable out of any money in the general fund not otherwise appropriated:

Appropriations.
Objects and
amounts
specified.

For Claiborne Hubbard, for services as Porter of Controller's office, one hundred dollars.

For E. G. Vaughan, repairing official seal, &c., twenty-nine dollars and fifty-seven cents.

For Britton & Rey, for furnishing blank warrants for Controller's office, three hundred and seventy-five dollars.

For W. S. White, for contingents of Supreme Court, eighteen dollars.

For salaries of District Judges, three thousand seven hundred and fourteen dollars.

For C. H. Bradford, for costs of suit in which the State was a party, one hundred and thirty dollars.

For B. B. Redding, for publishing Governor's proclamation, fifty-five dollars and fifty cents.

For Jonathan Nichols, contingents for Supreme Court, for rent of State Library room, one hundred and fifty dollars.

For B. F. Hastings & Co., for rent of Supreme Court room, four hundred and sixteen dollars and sixty-six cents.

For per diem of Senate officers, two hundred and ninety-two dollars.

For Hiller & Andrews, contingents of Surveyor General's office, for rent of rooms, one hundred dollars.

For Cornelius Brown, for services as Porter of Senate, seventy-two dollars.

For William Coates, for services as official Reporter for Senate, three hundred and seventy-eight dollars.

For J. Sharkey, for contingents of Senate, one hundred and eighty-nine dollars.

For E. M. Skaggs, for contingents of Assembly, thirty dollars.

For rent of office for Governor, sixty dollars.

For Daniel McClaren, for services as Clerk in Surveyor General's office, two hundred and eight dollars.

For the City Water Works, for furnishing water, fifty dollars.

For contingents of Senate for newspapers, one hundred dollars.

For contingents of Assembly for newspapers, two hundred dollars.

For Printing Experts, one hundred dollars.

To E. M. Botts, for services rendered as Clerk in the State Treasury Department, in the month of January, 1857, the sum of two hundred dollars.

To M. Fennell, for labor on Insane Asylum, in the month of January, 1857, the sum of fourteen hundred dollars.

Act, how construed.

SEC. 2. Nothing in this Act shall be construed to authorize the Controller to draw his warrant upon the Treasurer, until the money shall be in the State Treasury to pay the same.

CHAPTER CCLXXIV.

AN ACT

To audit and allow certain Claims.

Approved April 30, 1857.

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Claims specified.

SECTION 1. The claim of E. B. Carson, Sheriff of the county of El Dorado, against the State of California, for the sum of eleven hundred and seven dollars for services rendered in conveying certain persons to the State's Prison in the year one thousand eight hundred and fifty-five, is hereby audited and allowed. And the claim of N. B. Thornburg, Sheriff of Yuba county, against the State of California for the sum of eight hundred and forty dollars, for services rendered in conveying prisoners to the State's Prison in the year one thousand eight hundred and fifty-five, is hereby audited and allowed. And the claim of O. N. Stampley, Sheriff of Santa Cruz county, for taking a prisoner to the State's Prison in the year one thousand eight hundred and fifty-five, amounting to one hundred and thirty-five dollars, is hereby audited and allowed.

CHAPTER CCLXXV.

AN ACT

Amendatory of an Act to provide for funding the Indebtedness of the County of Yuba, approved March twenty-sixth, one thousand eight hundred and fifty-seven.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of said Act entitled "An Act to provide for funding the Indebtedness of the county of Yuba," passed March twenty-sixth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows:

Section two. It shall be the duty of the said Funding Commis- Bonds ordered.
sioners to cause to be prepared bonds in not less than the sum of one hundred dollars, nor more than five hundred dollars each, bearing interest at the rate of ten per cent. per annum from the date of their issue. Said bonds shall be made payable at the office of Where and when payable.
said Treasurer, or in the city of New York, at the office of the creditor to whom the same is issued, on the first day of January, one thousand eight hundred and seventy-three. The interest accruing on said bonds shall be due and payable on the first day of Interest, when and where payable.
January next, after which time the interest shall be due and payable on the first day of July and January of each year until said bonds shall be paid and liquidated. The interest on said bonds shall be made payable at said Treasurer's office or in the city of New York, at the option of the person to whom such bond or bonds may issue. Said bonds shall be signed by the Chairman of the Bonds, how signed, &c.
Board of Supervisors of said county, and countersigned by the County Auditor, and indorsed by the County Treasurer, and shall be under the seal of the county.

CHAPTER CCLXXVI.

AN ACT

To audit certain Just and Equitable Claims existing against the State.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claims specified. SECTION 1. The claim of James H. Hardy, against the State of California, for the sum of seven hundred and eighty-three dollars, for moneys paid out by him on account of the State, from the year one thousand eight hundred and fifty-three, to one thousand eight hundred and fifty-five.

The claim of Rivett and Company, for the sum of seven hundred and fifty-eight dollars, for services rendered, and materials furnished the Supreme Court of the State of California, in the year one thousand eight hundred and fifty-five

The claim of H. A. Higley, for the sum of three thousand three hundred dollars, for surveying the boundary line between the counties of Alameda, San Joaquin, Santa Clara, and Contra Costa, during the years eighteen hundred and fifty-six and eighteen hundred and fifty-seven.

The claim of Wm. G. Still, for the sum of fourteen hundred and forty-three dollars, for services rendered by him in surveying the boundary lines of Sierra County, in the year one thousand eight hundred and fifty-five.

The claim of Silas Wilcox, for the sum of four hundred and eight dollars, for services rendered in surveying the boundary lines between Stanislaus and Merced counties, in the year eighteen hundred and fifty-six.

The claim of William Mock, for the sum of four hundred and fifty-six dollars, for services rendered in surveying the boundary lines between the counties of Marin and Sonoma, in the year eighteen hundred and fifty-six.

The claim of S. H. Marlette, for cash expended for instruments, stationery, fuel, express and other charges, for Surveyor General's office, in the year eighteen hundred and fifty-five, amounting to one thousand three hundred and eighty-eight dollars.

The claim of Sherman Day, for two thousand six hundred dollars, for services as assistant Surveyor General, in the year eighteen hundred and fifty-five.

The claim of George H. Goddard, for two thousand and nineteen dollars, for services assisting the Surveyor General, in eighteen hundred and fifty-five.

The claim of Jesse Hackett, for three hundred and sixteen dollars, for services rendered Surveyor General's office as porter, in the year eighteen hundred and fifty-five.

The claim of Thomas Tennent, for purchase, hire and repair of

instruments, for Surveyor General's office, in the year eighteen hundred and fifty-five, for three hundred and forty-five dollars. Claims specified.

The claim of Nevett and Company, for stove and fixtures for Surveyor General's office, for the year eighteen hundred and fifty-five, for fifty-nine dollars.

The claim of A. Koneman, for candles, etc., for Surveyor General's office, for the year eighteen hundred and fifty-five, for seventy-one dollars.

The claim of Milton Ferrel, for services in assisting Surveyor General, in the year eighteen hundred and fifty-five, for one hundred and twenty dollars.

The claim of Silas Wilcox, for services for surveying boundary line between the counties of Stanislaus and Tuolumne, in eighteen hundred and fifty-five, for four hundred and eighty-one dollars.

The claim of C. D. Semple, for surveying boundary line between Colusa and Yolo Counties, in the year eighteen hundred and fifty-five, for four hundred and twenty-six dollars.

The claim of Thomas W. Wright, for surveying boundary line between the Counties of Santa Clara, Santa Cruz and San Francisco, in the year eighteen hundred and fifty-five, for one thousand five hundred dollars.

The claim of Thomas Early, Sheriff of Mariposa County, for transportation of prisoners to State Prison, prior to the passage of the Act approved April twenty-first, eighteen hundred and fifty-six, for five hundred and ninety-seven dollars and twenty-five cents.

The claim of C. H. Randell, Deputy Sheriff of Tuolumne County, for transportation of prisoners to State Prison, prior to the Act approved April twenty-first, eighteen hundred and fifty-six, for one hundred and seventeen dollars and fifty cents.

And the claims of Patrick and Company, for publishing notices of sales of lands in the water front of San Francisco, in the years eighteen hundred and fifty-four and eighteen hundred and fifty-five; with the claims of Mansfield, Patrick and Company, for furnishing newspapers for the Senators and Assemblymen in the years eighteen hundred and fifty-four and eighteen hundred and fifty-five, amounting in all to the sum of three thousand ninety-three dollars and eighty-eight cents.

And the claim of Robert K. Reid, for services as Resident Physician of Insane Asylum at Stockton, for the month of September, eighteen hundred and fifty-six, the sum of three hundred and thirty-three dollars and thirty-three cents; and the claim of Wm. D. Cowan, for services rendered as Assistant Physician at the Insane Asylum at Stockton, for the month of September, eighteen hundred and fifty-six, the sum of two hundred and fifty dollars, amounting in all to the sum of five hundred and eighty-three dollars and thirty-three cents.

The claim of Mary Russell, one of the Sisters of Mercy having in charge the Hospital for Indigent Sick, at San Francisco, fifteen thousand dollars, are hereby audited and allowed.

CHAPTER CCLXXVII.

AN ACT

For the relief of James Allen, State Printer.

[Approved April 30, 1857.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Amount claimed
and allowed.

SECTION 1. The claim of James Allen against the State of California for the sum of ten thousand three hundred and thirty-six dollars and thirty cents, for printing four thousand three hundred and twenty copies of the Surveyor General's report for the use of the Assembly of eighteen hundred and fifty-six, and for paper used in printing said report; and also for paper furnished the State in the year eighteen hundred and fifty-six, is hereby audited and allowed.

JOINT AND CONCURRENT RESOLUTIONS.

NO. 1.

JOINT RESOLUTIONS

In relation to a Uniform Rate of Postage throughout the United States.

WHEREAS, a uniform rate of Postage throughout the United States and Territories is most desirable—Therefore,

Resolved, By the Senate and Assembly of the State of California, that our Senators in Congress be instructed, and our Representatives requested to advocate the passage of a general and uniform postage law, not to exceed three cents on letters of half an ounce or under, and two cents for every additional half ounce. Postage rates.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to advocate the passage of a law, requiring the General Government to pay for all "free postage matter," or in default thereof, the abolition of the "franking privilege."

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress.

January 22, 1857.

NO. 2.

JOINT RESOLUTION

Relative to Mail Routes in California.

Resolved, by the Senate and Assembly of the State of California, Mail routes.
That our Senators be instructed, and our Representatives in Con-

gress requested, to urge upon the Postmaster General the propriety and necessity of establishing a tri-weekly mail communication directly between San Francisco and the town of Petaluma in the county of Sonoma, and from the latter place at least a weekly mail via South Rosa, Russian River, Ukiah, Albion and Mendocino Mills to Humboldt and Trinity. That His Excellency, the Governor, be requested to forward a copy of this resolution to our Senators and Representatives at Washington.

January 22, 1857.

NO. 3.

CONCURRENT RESOLUTIONS.

Tri-monthly
mail service
on the Pacific.

Resolved, By the Assembly, the Senate concurring, that our Senators be, and are hereby instructed, and our Representatives requested to advocate the immediate passage of a law by Congress, authorizing a separate tri-monthly mail service between San Francisco and Crescent City, stopping each way at Trinidad and Humboldt Bay. The condition of the contract to be such, as to secure the transportation of the mails in good seaworthy steamers.

Resolved, That a tri-monthly mail service should be established between Crescent City and Yreka, *via* Indian Creek, Happy Camp, and Scott River.

Resolved, That a tri-monthly mail service should be established between Trinidad and Yreka, *via* Orleans Bar and Salmon Rivers.

Resolved, That our Senators be instructed, and our Representatives be requested, to use every exertion, and to insist, that sufficient appropriations be made, to render the above named mail service effective.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the above resolutions to each of our Senators and Representatives in Congress, and to the Post Master General of the United States.

January 24, 1857.

NO. IV.

CONCURRENT RESOLUTION.

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions to procure the early establishment of a tri-weekly mail route from Sacramento city, in Sacramento county, to Napa city, in Napa county, via Washington in Yolo county, Tremont, on Putah Creek, Silvey's, Vacaville, Suisun City, and Cordelia, in Solano county.

Tri-weekly mail
from Sacramento
city to Napa city.

Resolved, That His Excellency the Governor be requested to forward a copy of the above resolution to our Senators and Representatives in Congress at as early a day as practicable.

January 28, 1857.

NO. V.

CONCURRENT RESOLUTION.

Relative to the Pay of the United States Army Officers in the Pacific Division.

Resolved, the Senate concurring, That our Senators be instructed, and our Representatives requested, to advocate the passage of a law by Congress for an additional allowance to the officers and men of the United States Army, while serving in the Pacific Division, and also the officers connected with the Light House Board of this coast.

Pay of certain
Officers U.S.A.

Resolved, That the Governor be requested to transmit a copy of the above resolution to the Secretary of War, and to each of our Senators and Representatives in Congress.

January 31, 1857.

NO. VI.

CONCURRENT RESOLUTIONS

Relative to Certain Mail Routes.

Certain Mail
routes.

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to use their influence to procure a weekly mail, by ocean steamer, from San Francisco to San Diego, *via* Monterey, San Luis Obispo, Santa Barbara, and San Pedro, and overland from San Pedro, *via* Los Angeles to San Bernardino; also, a weekly overland mail from Stockton to San Diego, *via* Millerton, Visalia, Woodville, the Sebastian Indian Reservation, Fort Tejon, Los Angeles, San Juan Capistrano, and San Luis Rey.

Resolved, That his Excellency, the Governor, is requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

March 19, 1857.

NO. VII.

JOINT RESOLUTIONS

Relative to a Pacific Rail Road.

Pacific Railroad. WHEREAS, the increasing demand of commerce, mail transportation, and the great and increasing immigration from the Atlantic States to the shores of the Pacific ocean, eminently require the construction of a Railroad from the valley of the Mississippi, to some point in California. AND WHEREAS, we are of opinion, that incidental to the power conferred on Congress, "to provide for the common defense and general welfare, to declare war, repel invasions," Congress has power to construct a Railroad, (so national in its character, for facilitating the transportation of troops and munitions of war: AND WHEREAS, such a Railroad when completed, will be a highway and thoroughfare for the commercial nations of the earth, secure an easier and more frequent intercourse between the Pacific and Atlantic States of our Union, bring into market and cultivation the wild waste of public domain, lying between the confines of the western States and the Sierra Nevada mountains, render us more secure from the invasion of any foreign power, and strengthen the peace and harmony that now so happily exist between the States of the Republic—Therefore,

Resolved, By the Senate and Assembly, that the Legislature of California again earnestly urge upon the attention of Congress, the speedy construction of a National Railroad, from the great valley of the Mississippi, to some point in California. Pacific Railroad.

Resolved, That in the opinion of this Legislature, Congress has the constitutional power to appropriate either money or lands, or both, to construct a Railroad connecting the Atlantic and Pacific oceans.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all constitutional means to procure the passage of a law embracing the objects contained in the above resolution. *Provided*, That nothing contained in these resolutions shall be construed as to mean, that the Congress of the United States possess the power to carry on a general system of internal improvements within any State.

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress, and to the President of the United States.

March 19, 1857.

NO. VIII.

CONCURRENT RESOLUTIONS

For the Relief of General A. M. Winn.

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress requested, to use their best endeavors in bringing before Congress the claim of General A. M. Winn for the sum of nineteen thousand one hundred and forty dollars and twenty-four cents, for money expended by him in burying the dead, relieving the sick and distressed, and building a hospital in Sacramento city in the years eighteen hundred and forty-nine and eighteen hundred and fifty. Relief of Gen. A. M. Winn

Resolved, That His Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

March 23, 1857.

N O . I X .

CONCURRENT RESOLUTIONS

For the Relief of William Grove Deal.

Relief of Wm.
Grove Deal.

Resolved, by the Assembly, the Senate concurring, That our Senators be instructed, and our Representatives in Congress requested, to use their efforts to procure the passage of a law by Congress appropriating the sum of fifteen thousand two hundred and eighty dollars to William Grove Deal, for relief given to the indigent sick at Sacramento city in the years eighteen hundred and forty-nine and eighteen hundred and fifty.

Resolved, That His Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions, together with a copy of the memorial hereunto annexed.

March 12, 1857.

N O . X .

CONCURRENT RESOLUTION

In relation to School Land Warrants.

Relating to
School Land
Warrants.

WHEREAS, By an Act passed May 3, 1852, many citizens of this State have been induced to purchase School Land Warrants, in good faith. *And whereas*, The United States Government has, in the main, recognized the validity of that law through the Commissioner of the General Land Office, and has indicated by the instructions of that officer to the Registers of the local land offices in this State, the only manner in which the school land warrants can be legally located. *And whereas*, It is a matter of deep interest to the friends of education, and of vital importance to the locators and purchasers of State Land Warrants that the title to their lands be perfected at an early day. *And whereas*, The United States Government has indicated, through her proper officer, that she will certify the school lands properly selected, over to this State, therefore,

Resolved, By the Senate, the Assembly concurring, that the Governor of this State be, and he is hereby authorized and requested to correspond, without delay, with the Commissioner of the

General Land Office, at Washington, urging upon the General Government the great importance to the people of this State of having the school lands certified over as fast as the evidence of their selections are filed in the General Land Office; also, to call the attention of the Commissioner of the General Land Office to the importance to the locator of having the certificate of agency on State land warrants returned to the proper local land office so soon as it may be ascertained that selections of land have been made which cannot, from any cause, be confirmed or certified over by the General Government.

March 21, 1857.

NO. XI.

Resolved, by the Senate, the Assembly concurring, That our Senators be instructed, and our Representatives in Congress be required to take the necessary steps and exert their influence for the establishment of a tri-weekly mail through El Dorado County, from Volcanoville, via Georgetown, American and Spanish Flats, Kelseys, Placerville, Buck's Bar, Buzan's Bridge, Fairplay, Cedarville and Brownsville, to Indian Diggings.

For tri-weekly
mail from Volca-
noville, &c., to
Indian Diggings

March 28, 1857.

NO. XII.

Resolved, by the Senate, the Assembly concurring, That our Senators in Congress are instructed, and our Representatives are requested, to urge upon Congress the necessity for the immediate establishment of a new and separate Steamboat Inspection District, for the State of California and the Territories of Oregon and Washington, with an Inspector to reside in the City of San Francisco.

Separate Steam-
boat Inspection
District for the
Pacific.

April 18, 1857.

N O . . X I I I .

Survey of Water
Front of City of
San Francisco.

Resolved, by the Senate, the Assembly concurring, That the Governor of this State be, and he is hereby requested to correspond with the Secretary of War and the Secretary of the Treasury of the United States, and such other officers of the General Government as he may deem necessary, to procure, if possible, a full and complete survey, by the officers of said Government, of the water front of the City of San Francisco, having reference to the construction of a sea-wall, or bulkhead, securing a sufficient depth of water in said water front for the landing of vessels of the largest class.

April 7, 1857.

N O . . X I V .

Mail service.

Resolved, by the Senate, the Assembly concurring, That our Representatives in Congress be requested, and our Senators instructed, to use every exertion to procure the establishment of a weekly mail from the City of Sacramento to the head of Clear Lake, in Napa County, via Cache Creek, in Yolo County.

March 6, 1857.

N O . . X V .

Tri-weekly Mail
between Placer-
ville and Grizzly
Flat.

Resolved, By the Senate, the Assembly concurring, that our Representatives in Congress be, and they are hereby requested and our Senators instructed, as speedily as possible, to take the necessary steps for the establishment of a tri-weekly mail route between the City of Placerville and Grizzly Flat, in El Dorado County; said route to supersede the existing route between Diamond Springs and Grizzly Flat, in said county.

Resolved, That the Governor of this State be, and he is hereby requested, to forward a copy of the above resolution, and also of a resolution heretofore passed by the two houses of the Legislature,

relative to the establishment of a tri-weekly mail route between Indian Diggings and Volcanoville, in El Dorado County, to our Senators and representatives in Congress, and the Postmaster General of the United States.

April 8, 1857.

N O. X V I.

JOINT RESOLUTIONS.

WHEREAS, The mining counties of this State are unsurveyed by the General Government, by means whereof the inhabitants of said mineral lands are excluded from the benefit of the donation made by Act of Congress March 20, 1853, of the sixteenth and thirty-sixth sections of land in each Congressional township to the townships for school purposes; **AND WHEREAS**, Said mineral portions of the State are densely populated by an industrious and enterprising people, therefore,

Resolved, by the Senate and Assembly, That our delegation in Congress be requested to urge upon the Secretary of the Interior the necessity of having the township lines run in the mineral portions of the State.

Resolved, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure the passage of a law by Congress donating to and authorizing each township of this State to locate two sections of land for school purposes in the townships on any unoccupied public agricultural lands in the State of California.

Resolved, That His Excellency the Governor of this State be requested to forward to each of our delegation in Congress a copy of these resolutions.

April 21, 1857.

NO. XVII.

CONCURRENT RESOLUTION

Concerning the Public Debt.

Public debt.

Resolved, By the People of the State of California, represented in Senate and Assembly, that the honor, credit, and best interest of the State require, that the funded and other outstanding debts of the same shall be paid in good faith, and that immediate provision for such payment ought to be made.

March 4, 1857.

NO. XVIII.

Payment of certain Controller's warrants.

Resolved, The Assembly concurring, that the State Treasurer is instructed, and hereby directed, out of any cash in the State Treasury or under his control as State Treasurer, belonging to the General Fund, to pay, according to the date of their presentation for payment, as endorsed thereon, all Controller's Warrants issued since January 1st, 1857, legally drawn for the payment of indebtedness which has accrued since January 1st, A. D. 1857.

January 29, 1857.

NO. XIX.

Dist. Attorneys of the several Counties to bring suit against all defaulting officers.

Resolved, by the Senate, the Assembly concurring, That the District Attorneys of the several counties of this State, be and they are hereby instructed and directed, to bring suit against any County Treasurer, of their respective counties, who may have violated the provisions of an Act entitled "An Act to provide Revenue for the support of the Government of this State," passed May 15, 1854, and who may have used, employed, loaned, or in any manner, directly or indirectly, placed out of his possession or control, any of the funds which may have come into his hands under the provisions of said Act.

Resolved, That said District Attorneys are also instructed, and they are hereby directed, to bring suit against any Sheriff of their respective counties, who may have failed to settle and pay over moneys collected by him to the County Treasurer, as directed by said law.

Resolved, That the Controller of State be, and he is hereby instructed and directed to notify the District Attorneys of the several counties of this State, of any violation, within his knowledge, heretofore made, or which may hereafter be made, of the provisions of the said Act, by any County Treasurer of their respective counties.

Resolved, That the Attorney-General shall render his assistance, and give his advice in instituting and prosecuting any suit as aforesaid.

April 18, 1857.

NO. XX.

ASSEMBLY JOINT RESOLUTION, NO. 14:

In relation to the Survey of the Eastern Boundary of the State of California.

Resolved, By the Senate and Assembly of the State of California, that our Senators be instructed, and our Representatives in Congress requested, to procure by Congress, the passage of a law providing for the survey of the Eastern Boundary of the State of California. Commencing at the point of intersection of forty-second degree of north latitude with the one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude, thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude, and the erection thereon of suitable monuments at proper distances.

Resolved, That His Excellency, the Governor, be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and one to the President of the United States.

April 27, 1857.

N O . X X I .

CONCURRENT RESOLUTION.

Collating and
printing Revenue
Laws.

Resolved, The Assembly concurring, that the Attorney General be requested to collate, as soon as possible, after the adjournment of this Legislature, the Revenue Laws then in force, and that so soon as such laws are so collated, the Secretary of State shall have nine hundred and sixty copies thereof printed, in pamphlet form, and distributed to the various county officers charged with the collection or disbursement of revenue.

April 27, 1857.

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ERRATUM.

Chap. CCLXV, first line of Sec. 4, page 352, for *Constable* read *Controller*.

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